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By *E. B. Pond.*

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CHARTER
AND
ORDINANCES
OF THE
CITY OF ANN ARBOR,
MICHIGAN.



REVISED JUNE, 1871.

PUBLISHED BY AUTHORITY OF THE COMMON COUNCIL.

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1871.



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Second Ward,

JOHN N. GOTT, EMANUEL MANN.

Third Ward,

JEREMIAH PEEK, A. D. SEYLER.

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Third and Fourth Wards—PATRICK O'HEARN.

Fifth and Sixth Wards—DAVID T. McCOLLUM.

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GEORGE W. MOORE, S. G. TAYLOR.

CONSTABLES,

CHARLES BOYLAN, T. F. LEONARD,

THOMAS J. HOSKINS, JOHN LAUGHLIN,

N. H. PIERCE, T. L. HEWITT.

CHARTER

OF THE

CITY OF ANN ARBOR.

[No. 402.]

AN ACT to revise and amend an act to incorporate the city of Ann Arbor, approved April fourth, eighteen hundred and fifty-one, and an act amendatory thereto, approved February twelfth, eighteen hundred and fifty-nine; and also an act amendatory thereto, approved February twenty-fifth, eighteen hundred and sixty-one.

TITLE I.

INCORPORATION, CITY AND WARD BOUNDARIES.

SECTION 1. *The People of the State of Michigan, enact,* That so much of the township of Ann Arbor, in the county of Washtenaw, as is included in the following limits, (including the present city of Ann Arbor,) to-wit: The south three-fourths of section number twenty, the south three-fourths of the west three-fourths of section number twenty-one, the west three-fourths of section number twenty-eight, entire section number twenty-nine, the north half of section number thirty-two, and the west three-fourths of the north half of section number thirty-three, in township two south, of range six east; and also so much of the east half of the south-east quarter of section number twenty-one, and the east half of the north-east quarter of section number twenty-eight, as lies west of the easterly

bank of the Huron river, and north of the south line of the territorial road, crossing said river on or near the line between said sections, be and the same is hereby set off from said township, and declared to be a city, by the name of the city of Ann Arbor; and the freemen of said city, from time to time being inhabitants thereof, shall be and continue to be a body corporate and politic, by the name of the "Mayor, Recorder and Aldermen of the city of Ann Arbor;" and by that name they shall be known in law, and shall be capable of suing and being sued, and of prosecuting and defending all suits; they may have a common seal, which they may alter at pleasure, and shall be capable of purchasing, holding, conveying and disposing of real and personal estate for the use of said corporation.

SEC. 2. The said city shall be divided into six wards, as follows: The first ward shall embrace all that portion of the city lying south of Huron street, east of Main street and the Ann Arbor and Lodi plank road, and west of State street and the Pittsfield road, or State street as continued; the second ward shall embrace all that portion of the city lying south of Huron street, and west of Main street and the Ann Arbor and Lodi plank road; the third ward shall embrace all that portion of the city lying north of Huron street and south of the river Huron, and west of Fourth street extended to the river Huron; the fourth ward shall embrace all that portion of the city lying north of Huron street, and of the line of Huron street as extended to the city limits, and south of the river Huron, and east of Fourth street; the fifth ward shall embrace all that portion of the city lying north-east of Huron river; the sixth ward shall embrace all that portion of the city lying south of Huron street and the line of Huron street, as extended east of the city limits, and east of State street and the Pittsfield road, or State street as extended: *Provided*, That the common council may at any time alter the bounds of said wards, or any of them. The aforesaid division is made by the actual or supposed continuation of the centre line of each of said streets, in the present direction thereof, to the limits of said city:

TITLE II.

ELECTION AND APPOINTMENT OF OFFICERS.

SEC. 1. The officers for said city shall be one mayor, one recorder, one marshal, one city attorney, one city treasurer, three supervisors, one to be elected in the first and second wards, one to be elected in the third and fourth wards, and one to be elected in the fifth and sixth wards, who shall be assessors in their respective districts. Three street commissioners, one to be appointed in each supervisor district. Three collectors, one to be elected in each supervisor district. One constable to be elected in each ward. All of which officers shall hold their offices for one year, and until their successors are elected or appointed and qualified, and two aldermen to be elected in each ward, who shall respectively hold their offices for two years and until their successors are elected and qualified; four justices of the peace, who shall respectively hold their offices four years, to commence, except in case of vacancies, on the fourth day of July next after their election.

SEC. 2. The inhabitants of said city, having the qualifications of electors under the constitution and laws of this State shall, on the first Monday of April in each year, at such place in each ward as the common council shall designate, proceed to elect by plurality of votes, by ballot, from among the qualified electors of said city, one mayor, one recorder, one justice of the peace, one marshal for said city; and the qualified electors of the first and second wards shall elect one supervisor and one collector;) and the qualified electors of the third and fourth wards shall also elect one supervisor and one collector; and the qualified electors of the fifth and sixth wards shall elect one supervisor and one collector. The qualified electors of each ward shall, at the same time and place, elect one alderman and one constable: *Provided*, That in each ward in which there

shall, at the time of such election, be no alderman having another year to serve, there shall be two aldermen elected, one for the term of one year and one for the term of two years ; and one alderman shall thereafter be elected annually in each ward, to hold his office for the term of two years and until his successor is elected and qualified.

SEC. 3. At all elections the two aldermen in each ward shall be the inspectors of election, in case they shall attend, and a clerk shall be appointed by the aldermen or inspectors of election, at all elections in each ward. In case the office of the aldermen shall be vacated in said ward, or in case the aldermen, or either of them, shall fail to attend to act as inspectors, the electors present may, *viva voce*, choose one or more inspectors of election to fill the vacancy, and such judges and clerk so chosen, before proceeding to the discharge of their duties, shall make and subscribe an oath or affirmation faithfully and impartially to discharge the duties of their respective offices at such election, which oath or affirmation may be administered by any person authorized to administer oaths. At the close of the polls, the vote shall be canvassed, and a statement thereof proclaimed by one of the inspectors, and a correct statement of the number of votes given for each person shall be made by the clerk, and signed officially by the inspectors and clerk aforesaid, and filed with the recorder. It shall be the duty of the common council to meet as soon as conveniently may be after such election, to canvass the votes cast in the respective wards, and to declare and certify the result of such canvass.

SEC. 4. It shall be the duty of the recorder, or in case of his neglect so to do, then of the mayor, to cause five days notice of every election to be given, by posting up written or printed notices thereof in three or more public places in each ward of said city : *Provided*, That if notice of any election shall not be given as herein required, it shall be lawful for the electors to meet at the proper time and place, and hold the election, and in case of the non-attendance or neglect of the proper officers to act, the electors present may, *viva voce*, choose electors to act in their places : *And provided also*, That if any

election of officers under this act, shall not be had on the day when it ought to have been held, the said corporation shall not for that cause, be dissolved, but it shall be lawful to hold such election at any time thereafter, public notice thereof being given as provided in this act. At all elections the polls shall be opened between the hours of nine and eleven o'clock in the forenoon, and be closed at four in the afternoon. Whenever in any ward or wards in said city, there shall not be two aldermen to constitute the board of registration of such ward previous to any election, the common council shall, in time, appoint suitable freeholders, resident in such wards, and electors, temporary aldermen of such wards, who shall take the oath of office, and have all the powers of aldermen in such wards, and shall hold their offices until the close of the election and of the canvass of the votes in such wards, at the next election after such appointment, and shall, during their continuance in office, act as and be members of the board of registration of such wards, and have all the powers and perform all the duties of members of the board of registration in such wards.

SEC. 5. The inhabitants of the said city, being electors under the constitution and laws of the State of Michigan, and no others, are declared to be electors under this act, and qualified to vote at any such election; and each person offering to vote at any such election, if challenged by an elector of said city, before his vote shall be received, shall take one of the oaths or affirmations provided by the laws of this State for electors at general and special elections, for the time being, which oath or affirmation may be administered to him by either of the inspectors of election. Upon taking such oath or affirmation, if duly registered in said ward, he shall forthwith be permitted to vote. In all other respects not herein provided, said election shall be conducted as near as may be in accordance with the general statute provided for township elections.

SEC. 6. It shall be the duty of the recorder as soon as practicable, and within five days after any election, to notify the officers respectively of their election, who shall, within ten days after receiving such notice, take an oath or affirmation to

support the constitution of the State of Michigan, and faithfully and impartially to perform the duties of their respective offices, a certificate of which oath, made by the person administering the same, shall be filed in the office of the recorder.

SEC. 7. The officers of said city, to be appointed by the common council, shall be a treasurer, attorney, a chief engineer of the fire department and two assistants, a street commissioner for each supervisor district, and such other officers whose election is not herein specially provided for, as the common council shall deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure. The common council shall also have power to remove the marshal for any violation of this charter or the ordinances or resolutions of the common council; and in case any office in said corporation shall become vacant from any cause, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of the year, and all officers so appointed shall be notified and qualified as herein directed; *Provided*, That the common council may at any time order a special election to fill a vacancy in any office which is elective under this act.

SEC. 8. Every office shall become vacant on the happening of either of the following events before the expiration of the term of such office: The death of the incumbent; his resignation; his removal from office; his ceasing to be an inhabitant of the district or ward for which he shall have been elected or appointed, or within which the duties of his office are required to be discharged; his conviction of any infamous crime, or of any offense involving the violation of his oath of office; the decision of a competent tribunal declaring void his election or appointment, or his refusal or neglect to take his oath of office, or to give or renew any official bond, or to deposit such oath or bond in the manner and within the time prescribed by law: *Provided*, That in case any vacancy shall occur in the office of any collector or justice of the peace in said city by the operation of this act, the recorder shall immediately transmit to the county clerk of said county a notice

in writing, officially signed by him, informing the county clerk that the office of such collector or justice of the peace is vacant.

TITLE III.

OF THE POWERS AND DUTIES OF OFFICERS.

SEC. 1. The mayor shall be the chief executive officer of the city, and shall also be president of the common council, and shall countersign all orders drawn upon the city treasurer, and see that all the officers of said city faithfully comply with and discharge their official duties; that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council are faithfully observed. He shall have the same power as conservator of the peace within the limits of the city as any justice of the peace has, or may by law have, and to this end it shall be lawful for him when any person shall in his presence be guilty of a breach of the peace, or a violation of any of the ordinances of the common council punishable by fine or imprisonment, to direct the marshal, or other officer, forthwith to apprehend such offender or offenders, and take him or them before a justice of the peace for said city, who shall, without unreasonable delay, proceed to the examination and trial of the party arrested. He shall also have power, and it shall be his duty, to preserve order and decorum in the council room during the session of the common council, and for this purpose may order any disorderly person to be arrested for disorderly or contemptuous conduct in his presence, and imprisoned for a period not exceeding twenty-four hours.

SEC. 2. The recorder shall be the city clerk, and shall perform all the duties and have all the statutory powers of a township or city clerk, in respect to the filing and custody of all papers required to be filed, and the performance of all other statutory duties. He shall keep a record of the proceedings of the common council, and a record of all claims allowed by them. He shall also draw all orders on the treasurer for claims and accounts allowed by the common council, and if required, keep an account as near as may be, to which fund the same belongs.

SEC. 3. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees when thereto appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws or police regulations of said city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act. The aldermen of said city, by virtue of their offices, shall be conservators of the public peace, and as such shall have and exercise all the power and authority of justices of the peace, as such conservators, in criminal cases, and enforcing the laws of this State relating to the police thereof, but shall have no jurisdiction in civil cases.

SEC. 4. The marshal of said city shall be the chief of police; see that all the by-laws and ordinances of the common council are properly and efficiently enforced, and especially those which may be passed to carry into effect those parts of this act relating to police and sanitary regulations. He shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables, and all other persons, in the discharge of the duties imposed upon him by law. He may appoint such number of deputies as the common council shall direct and approve, who shall have the same powers and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible; and the marshal and his deputies shall have the same power to serve and execute all process on behalf of the corporation of said city, or of the people of the State, as sheriffs or constables have by law to execute similar process.

SEC. 5. The city attorney, under the direction of the common council, shall have charge of and conduct of all the law business of the corporation, and in which it shall be interested, except otherwise ordered by the common council in special cases, and shall also advise the common council boards of the city and their officers and committees, upon all matters apper-

taining to the business of said city, and the enactment of its laws and ordinances, when submitted to him for his opinion.

SEC. 6. The city treasurer shall have the custody of the money and valuable papers and obligations belonging to the corporation, and shall keep a just and true account of all moneys received and disbursed by him, and no money shall be paid out except upon the order of the common council, and upon warrants drawn by the mayor and recorder, and for school purposes, upon proper authority. He shall, once in each year, and oftener if required, settle with the common council, and shall pay over all moneys in his hands upon the order of the common council, and shall deliver all obligations and valuable papers in his possession to his successor in office, when required.

SEC. 7. The supervisors in said city shall have the same powers, and exercise the same duties, in relation to the assessment and collection of taxes, in their respective districts, and as members of the board of supervisors of the county of Washtenaw, as are possessed and performed by supervisors of the townships in said county, and shall perform such other duties as are provided by law, not inconsistent with the provisions of this charter.

SEC. 8. The collectors in their respective districts shall have such powers and perform such duties, in relation to the collection of taxes, as are prescribed for township treasurers by statute, and shall also perform such other duties in respect to the collection of city taxes, as shall be provided by the common council.

SEC. 9. The street commissioners shall, when required, under the direction of the common council, superintend the making, paving, repairing and opening of all streets, lanes, alleys and sidewalks within the limits of their respective districts, and shall possess, in addition to the powers and duties specifically enumerated by this charter, the powers exercised by overseers of highways in townships by statute, so far as consistent with this charter.

SEC. 10. Justices of the peace shall have such jurisdiction to hear, try and determine civil and criminal cases, as is given by statute, and shall also have jurisdiction of all cases arising under the charter or ordinances of said city.

SEC. 11. The recorder, city treasurer, collector and street commissioner shall respectively give bonds to the city in such sums and with such sufficient sureties, conditioned for the faithful performance of their respective duties, as shall be ordered and approved by the common council: *Provided*, That any officer performing the duties required by township officers, in regard to the collection of taxes, shall give and file their bonds in such amounts and in such time as is required by the corresponding township officers; and the several officers above named shall perform all other duties and exercise such powers as may be defined by this charter, and the ordinances of the common council passed in conformity to it.

SEC. 12. All other officers shall have such powers and perform such duties as may be given and required by this act, and the ordinances and resolutions of the common council.

TITLE IV.

OF THE POWERS OF THE COMMON COUNCIL.

SEC. 1. The mayor, recorder and aldermen, when assembled together and organized, shall constitute the common council of the city of Ann Arbor, and a majority of the whole (the mayor or recorder always being one) shall be necessary to constitute a quorum for the transaction of business, (but a less number may adjourn from time to time;) and the common council may be summoned to hold their meetings at such time as the mayor, or in case of his absence or inability to act, the recorder may appoint, and at such place as shall have been designated as council room by the common council. The common council shall have power to impose, levy and collect such fines as they deem proper, nor exceeding five dollars, for the non-attendance at any meeting of any officer of the corporation, who has been duly notified to attend the same.

In case of the absence of the mayor or recorder from such meeting, the members present may appoint a president or recorder *pro tempore*. Each member of the common council shall be entitled to one vote.

SEC. 2. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights, interests, buildings and all property, real and personal, belonging to the city, and make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power, within said city, to enact, make, continue, modify, establish, amend and repeal such ordinances, by-laws and regulations as they deem desirable, within said city, for the following purposes:

First. To prevent vice and immorality, to preserve public peace and good order, to organize, maintain and regulate a police of the city, to prevent and quell riots, disturbances and disorderly assemblages, to prevent the violation of the Sabbath and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose;

Second. To restrain and prevent disorderly and gaming houses and houses of ill-fame, and seize all instruments and devices used for gaming, and to prohibit all mock auctions, gaming and fraudulent practices and devices, and to regulate and restrain billiard tables and bowling alleys.

Third. To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, in violation of the laws of this State, and to forbid the selling or giving to be drunk, any intoxicating or fermenting liquors to any common drunkards or to any child or young person, and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law, and fix the fees to be paid by and to auctioneers;

Fourth. To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public perform-

ances and exhibitions for money, except exhibitions of agriculture or educational societies or associations ;

Fifth. To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow chandler shop, butcher's stall, slaughter-house, glue, starch or soap factory, establishments for rendering tallow, lard or oil, and all establishments where any nauseous, offensive or unwholesome business may be carried on, blacksmiths', coopers', cabinet makers', carpenters and joiners' shops and all buildings, business and establishments of any kind usually classed as extra-hazardous in respect to fire, tannery, stable, privy, hog-pen, sewer, or any other offensive or unwholesome house or place to cleanse, remove or abate the same from time to time, as often as for the health, comfort and convenience or safety of the inhabitants of said city may require ;

Sixth. To direct the location of all slaughter-houses, markets and buildings for storing gunpowder or other combustible or explosive substances ;

Seventh. To regulate the buying, carrying, selling and using gunpowder, fire crackers or fire works, manufactured or prepared therefrom, and other combustible materials, and the exhibitions of fire-works and the discharge of fire arms, and the lights in barns, stables and other buildings, and to restrain the making of bonfires in streets and yards ;

Eighth. To prevent the incumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges or aqueducts, drains or ditches in any manner whatever ;

Ninth. To prevent and punish horse-racing and immoderate driving or riding in any street, or over any bridge, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or over any bridge in said city ;

Tenth. To authorize any railroad in said city to determine and designate the route and grades of any railroad to be laid in said city, and to restrain and regulate the use of locomotives, engines and cars upon the railroads within the city ;

Eleventh. To prohibit or regulate bathing in any public water, or in any open or conspicuous place, or any indecent exposure of the person in the city, and to provide for the cleansing of the river Huron and other streams in said city ;

Twelfth. To restrain and punish drunkards, vagrants, mendicants, street beggars and persons soliciting alms or subscriptions for any purpose whatever ;

Thirteenth. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping and impounding ;

Fourteenth. To prevent and regulate the running at large of dogs, and to impose taxes on the owners of dogs, and to prevent dog fights in the streets ;

Fifteenth. To prohibit any person from bringing or depositing within the limits of said city any dead carcasses or other unwholesome or offensive substances, and to require the removal or destruction thereof. If any person shall have on his premises such substances, or any putrid meats, fish, hides or skins, of any kind, and on his default, to authorize the removal or destruction thereof, as a public nuisance, by some officer of the city ;

Sixteenth. To compel all persons to keep sidewalks in front of premises owned or occupied by them, clear from snow, ice, dirt, wood or obstructions ;

Seventeenth. To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets ;

Eighteenth. To appoint and prescribe the powers and duties of watchmen, and the fines and penalties for their delinquencies ;

Nineteenth. To prohibit, restrain or regulate within such parts of the city as they may deem expedient, and prescribe the building, rebuilding, enlarging, repairing or placing of wooden buildings therein, to regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said

city, and to compel such buildings to be erected upon such line, by fine upon the owner or builder thereof, not to exceed five hundred dollars ;

Twentieth. To provide for obtaining, holding, regulating and managing burial grounds, within or without the city, when established for the benefit thereof ; to regulate the burial of the dead, and to compel the keeping and return of bills of mortality ;

Twenty-first. To establish, order and regulate the markets ; to regulate the vending of wood, hay, meat, vegetables, fruits, fish, and provisions of all kinds, and prescribe the time and place of selling the same, and the fees to be paid by butchers for license ; to prohibit the sale of unwholesome meat, poultry, fish, vegetables, or other articles of food or provisions ; impure, spurious or adulterated wine, spirituous liquors or beer, or knowingly keeping or offering the same for sale : *Provided,* That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter, within the limits of the city ;

Twenty-second. To establish, regulate and preserve public reservoirs, wells, penstocks and pumps, and to prevent the waste of water ; to authorize and empower, under such regulations and upon such terms and conditions as they may choose, the laying of water-pipes in the streets and alleys of the city for the purpose of supplying the inhabitants of said city with water ; to grant such exclusive privileges as they may deem expedient, to any company for that purpose, and to regulate the supply and use of the water ;

Twenty-third. To regulate sextons and undertakers for burying the dead ; cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters and chimney sweeps, and their fees and compensation ; and to make regulations for preventing auctions, peddling, pawn-brokerage, or using for hire, carts, drays, cabs, hacks or any kind of carriage or vehicle, or opening or keeping any tavern, hotel, victualing house, saloon, or other house or place for furnishing meals, food or drink, or billiard-tables or ball alleys,

without first obtaining from the common council license therefor ; for licensing and regulating carts, drays, cabs, hacks, and all carriages or vehicles kept or used for hire ; auctioneers, peddlers, pawn-brokers, auctions, peddling, pawn-brokerage, taverns, hotels, victualing houses, saloons, and other houses or places for furnishing meals, food or drink, and keepers of billiard tables and ball alleys, not used for gaming ;

Twenty-fourth. To prevent runners, stage drivers and others, from soliciting passengers and others to travel or ride in any stage, omnibus, or upon any railroad, or to go to any hotel or elsewhere ;

Twenty-fifth. To make regulations for the lighting of the streets and alleys, and the protection and safety of public lamps ;

Twenty-sixth. To provide for and regulate the numbering of the buildings upon the streets or alleys, and to compel the owners or occupants of buildings to affix numbers on the same ;

Twenty-seventh. To prescribe the duties of all officers appointed by the common council, and their compensation and the penalty or penalties for failing to perform such duties ; and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law ;

Twenty-eighth. To preserve the salubrity of the waters of the Huron river, or other streams within the limits of the city ; to fill up low grounds or lots covered, or partially covered with water, or to drain the same, as they may deem expedient ;

Twenty-ninth. To prescribe and designate the stands for carriages of all kinds, which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in said city ;

Thirtieth. To provide for taking a census of the inhabitants of said city, whenever they may see fit, and to direct and regulate the same ;

Thirty-first. To establish a grade for streets and sidewalks, and cause the sidewalks to be constructed in accordance with the same ;

Thirty-second. To prescribe the duties of sealer of weights and measures, and the penalty for using false weights and measures, and all the laws of this State in relation to the sealing of weights and measures, shall apply to said city, except as herein otherwise provided.

SEC. 3. The common council may ascertain, establish and settle the boundaries of all streets and alleys in the said city, and prevent and remove all encroachments thereon, and exercise all other powers conferred on them by this act in relation to highways, the prevention of fires, the preservation of the public health, the levying of taxes, the supplying the city with water, and all other subjects of municipal regulations herein expressly provided for.

SEC. 4. Where by the provisions of this act the common council have authority to pass ordinances on any subject, they may prescribe a penalty not exceeding one hundred dollars (unless a greater penalty be herein otherwise provided,) for a violation thereof, or that the offender be imprisoned in the county jail or house of correction for a term not exceeding ninety days ; or the common council may, in such by-law or ordinance, direct that the offender shall be punished by fine or imprisonment (within the limits aforesaid) in the discretion of the justice who shall try the offender.

SEC. 5. No ordinance of the common council imposing a fine or imprisonment shall take effect until the same shall have been published for two weeks successively in a newspaper published in said city.

SEC. 6. A record or entry made by the recorder of said city, or a copy of such record or entry duly certified by him, shall be *prima facie* evidence of the time of such first publication, and all laws, regulations and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, either

First. From a copy certified by the recorder of the city of Ann Arbor; or

Second. From the volume of ordinances purporting to be printed by the authority of the common council.

SEC. 7. The common council shall have power to purchase and to hold suitable lot or lots of land, within or without the corporate limits, for the purpose of a city cemetery or cemeteries, and they shall make such rules and regulations regarding the same as they may deem necessary, and may cause the same to be surveyed into suitable lots, and may dispose of the same to purchasers, and thereupon cause to be executed to such purchaser a good and sufficient deed in the corporate name of said city, which deed shall be signed by the mayor and recorder. The cemeteries now existing within the limits of said city shall be subject to all laws, ordinances and resolutions in force in said city, and the common council of the city of Ann Arbor shall have power and authority to make such by-laws or ordinances and prescribe such rules and regulations as they may deem necessary and expedient for the protection, management and government of any cemetery or burial ground in said city, and to prescribe in and by any such laws or ordinances that any person or persons violating any of the by-laws, ordinances, rules or regulations so made, shall or may, upon conviction thereof, be punished by a fine not exceeding twenty-five dollars, or be imprisoned in the county jail or house of correction not exceeding thirty days, or by both, in the discretion of the court or justice before whom the offender shall be tried.

SEC. 8. The common council shall have power, whenever in their opinion the necessities of the city require, to construct a city almshouse, city hall, city market or markets, and city slaughter house, and appoint the keepers or clerks and necessary officers thereof, and may locate such city almshouse and city slaughter house within or without the city limits, and may make such regulations in regard to the same, as the common council may think proper.

SEC. 9. The common council shall, in the month of March in each year, make out a detailed statement of all the receipts

and expenditures of the corporation for the past year, which statement shall state particularly upon what account all moneys were received, and it shall also specify all appropriations made by the common council during the year, and the particular purpose for which each appropriation was made. Such statement shall be signed by the mayor and recorder, and be filed in the recorder's office, and a copy thereof shall be published in a newspaper printed in said city for at least two weeks.

SEC. 10. The common council shall have authority to make all by-laws and ordinances relative to the powers, duties and compensation of the officers of said corporation, subject to the restriction as to the compensation of officers mentioned in this act, to provide for the collection and disposition of all fines and penalties which may be incurred under the by-laws and ordinances of said city, and to make all such other by-laws, ordinances and regulations for the purpose of carrying into effect the powers conferred by this act, which they may deem necessary to provide for the safety and good government of the city, and preserve the health and protect the property of the inhabitants thereof; and to this end the common council may impose fines and penalties for any violation of the by-laws and ordinances which may be made by them as aforesaid.

TITLE V.

FINANCE AND TAXATION.

SEC. 1. The common council shall examine, settle and allow all accounts and demands properly chargeable against the said city, as well of its officers as other persons, and shall have authority to provide means for the payment of the same, and for defraying the contingent expenses of the said city, subject only to the limitation and restrictions in this act contained.

SEC. 2. The common council shall have authority to assess, levy and collect taxes on all the real and personal estate taxable in said city, which tax shall be and remain a lien upon the property so assessed until the same shall be paid: *Provided*, That they shall not raise by general tax in any one year, exclu-

sive of school taxes, more than three thousand dollars for general purposes, nor more than two thousand dollars for street or highway purposes, except as hereinafter stated, unless authorized thereto by a vote of the property tax payers of said city, who are electors, when convened for that purpose, pursuant to previous notice: *Provided*, The common council shall have the power, at the request of the aldermen, (or either of them,) of any ward, to cause to be levied and collected by tax in such ward, as other taxes, a sum not exceeding one thousand dollars per annum for highway purposes, to be expended in said ward, under the direction of the aldermen of said ward.

SEC. 3. Whenever the common council shall deem it necessary to raise a greater sum in any one year, exclusive of school taxes, than three thousand dollars for general purposes, or two thousand dollars for street or highway purposes, they shall give at least five days notice, in writing, to be posted up in five public places in said city, which notice shall state the time and place of meeting, and shall specify the objects and purposes for which the money proposed to be raised is to be expended; and when such meeting shall be assembled in pursuance of such notice, such electors, by a ballot vote, shall determine the amount of money which shall be raised for each object specified in the notice: *Provided*, That such tax shall not, in any one year, exceed one per cent. of the valuation of the real and personal estate taxable within the limits of the city: *And provided also*, That not more than two such meetings shall be holden in any one year, to determine the amount of tax to be raised. At all such meetings the mayor, or in his absence, the recorder shall preside.

SEC. 4. The common council may appoint the aldermen to assist the supervisor in taking the assessment of property in the respective wards where the alderman resides, and all State, county and school taxes in said city, and all city taxes which shall be raised by general tax, shall be levied and collected as near as may be, in the same manner as is provided by law for the assessment and collection of taxes by township officers; and all proceedings for the return, sale and redemption of real

estate for non-payment of taxes, shall be in conformity with the proceedings for the return, sale and redemption of real estate as required by the laws of this State.

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SEC. 5. Whenever the common council shall be authorized, by a vote of the property tax-payers of said city, to raise a tax for any specific purpose, and which cannot be included in the assessment roll, and collected or returned for non-payment, as provided in the preceding section of this act, it shall be lawful for the common council to apportion such tax upon the property taxable for such purpose, according to the valuation contained in the then last assessment roll, and shall place the tax in a column opposite the valuation of the property, and when such roll is completed, the recorder shall make and deliver a copy thereof to the (collector) of the proper district or districts, together with a warrant or warrants, signed by the mayor and recorder, commanding the (collector) to collect from the several persons named in said roll, the several sums mentioned in the last column of such roll opposite their respective names, and to account for and pay over to the city treasurer, within a time in said warrant to be specified, not less than thirty days, nor more than ninety days from the date thereof, all moneys collected or received by (each collector, upon, or by virtue of such roll, after deducting the collectors' fees upon the amounts collected) and to deliver such roll and warrant to the recorder; and such warrant shall authorize the collector, in case any person named in said roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person, and it shall be the duty of such collector to collect such taxes within the time specified in such warrant, or within such further time as the common council may, by resolution direct, and to account for and pay over to the city treasurer all moneys collected or received by him, upon or by virtue of such roll, after deducting such collectors' fees upon the amount collected by him, and to deliver such roll and warrant to the recorder; and in case any person shall neglect or refuse to pay the tax imposed on him, the collector may levy the same by distress and sale of the goods and chattels of such person, in the same man-

ner as township treasurers ; and if any of the taxes mentioned in said roll shall remain unpaid, and the collector shall be unable to collect the same from the person taxed, he shall make out and deliver to the city treasurer, a full and perfect copy from said roll, of the description of the premises so taxed and of the taxes thereon so unpaid, and shall add thereto an affidavit, sworn to before an officer authorized to administer oaths for general purposes, that the sums mentioned in such statement, remain unpaid, and that he has not, upon diligent search and inquiry, been able to discover any goods or chattels belonging to the person taxed, whereupon he could levy the same.

SEC. 6. The common council may by ordinance provide for the collection of all taxes necessary to be raised, other than such as may be raised as provided in section four, of title five, and for the sale of any real estate for the non-payment of such tax, and for the redemption thereof: *Provided*, That all the proceedings relative to the notice of sale, the manner of conducting the same, and the time to redeem, shall be in conformity as near as may be, to the provisions of law regulating the sale of lands delinquent for State, county and township taxes.

SEC. 7. In making assessments in said city, and in apportioning the taxes for city purposes, the supervisors shall so discriminate as not to impose upon the rural portions those expenses which belong exclusively to the built portions of the city, for which purpose they may in their discretion distinguish in their assessments what properties are within the agricultural or rural sections, not having the benefit of lighting, watering, watching or other expenditures for purposes exclusively for the benefit of the built and densely populated parts of the city ; and all lands within such agricultural or rural districts exclusively used for wood land, pasture, meadow, or farming purposes, may and shall be assessed to the owner or occupant at their cash value, and by some general description, and not as separate city lots ; and for such purpose the common council, in preparing the certified statement to the supervisors of the amount of taxes to be raised for general purposes, other than school, public buildings or street or highway purposes, shall distinguish be-

tween the expenses which are properly chargeable upon the whole city, (including for collecting fees, one per cent. of the whole amount of taxes to be raised in the city,) and those which are exclusively for the benefit of the more densely populated parts of the city, and shall apportion to each assessment district its equitable proportion of the taxes for each purpose, and shall in such statement distinguish the amount of each class of such local expenses; and the supervisors, in apportioning such local expenses, shall charge upon the property within the district to be benefited by such local expenditure, the amount of taxes therefor.

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SEC. 8. Each supervisor shall, on or before the fifteenth day of November, deliver to the collector of his district, with the taxes for the year annexed to each valuation and carried out in the last column thereof, the school, library and school-house taxes in one column, the highway or street taxes in another, the city taxes in another, the county taxes in another, and the State taxes in another column, and if other taxes are at any time required by law, they shall be placed each in another column, and the warrant for the collection shall specify particularly the several amounts and purposes for which said taxes are paid into the city and county treasuries respectively.

SEC. 9. To such tax roll or tax list the supervisor shall annex a warrant, under his hand, directed to the collector of his district, commanding him to collect from the several persons named in said rolls the several sums mentioned in the last column of such roll, opposite their respective names, and to pay over to the county treasurer the amount therein specified for State and county purposes, and to pay over the remainder of said taxes, (after deducting one per cent. of the amount collected by him as his fees for collecting,) to the treasurer of said city on or before the first day of February then next ensuing; and such warrant shall authorize the collector, in case any person named in such roll shall neglect or refuse to pay his tax, with the fees for collecting to be added, to levy the same by distress and sale of the goods and chattels of such person.

SEC. 10. Each collector shall, immediately after the receipt of the tax roll and before the first day of December, post up in the postoffice in the said city, and in as many as ten of the most public places in his collection district, conspicuous handbills, giving notice where the tax roll can be seen and taxes paid, and a receipt therefor obtained without expense, at any time between nine o'clock in the forenoon and twelve o'clock, noon, and from one until four o'clock in the afternoon, during the month of December, (Sundays and Christmas day excepted;) and the tax roll shall be kept at the place or places mentioned in such handbills from nine o'clock in the forenoon until four o'clock in the afternoon of each day during the month of December, (Sundays and Christmas days excepted,) so that any person or persons can pay the tax assessed against him or them, and obtain the collector's receipt therefor; and on all taxes so paid prior to the first day of January, no fee or per centage besides the amount of tax so specified in such roll shall be charged or payable.)

SEC. 11. The common council may by ordinance prescribe what amount, not exceeding three per cent. nor less than one per cent., the collector or collectors may add for his fees to each tax remaining unpaid on the first day of January, upon his tax roll, and it shall be lawful for each collector to add to each tax remaining unpaid on his roll on the first day of January, such per centage as the common council may have prescribed for the collector's fees, and to collect such per centage with such tax, in the same manner as he is authorized to collect the tax; and for the purpose of collecting such taxes by the collector, such additional per centage shall be deemed and taken to be a part of the tax. 1 1/2

SEC. 12. Each collector in said city shall and may proceed to collect the taxes in his collection district, and to pay over money to the county treasurer, and to return to the county treasurer a statement of the taxes remaining unpaid and due, in the manner provided by law for township treasurers, and all the provisions of the laws of this State, relating to the collection of taxes by township treasurers, or to the paying over 6

money by township treasurers to the county treasurer, or returning by the township treasurer to the county treasurer of a statement of the taxes remaining unpaid and due, are hereby made applicable to the collector or collectors of said city.

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SEC. 13. Each collector shall, on or before the first day of February, account for and pay over to the city treasurer, the full amount of all the taxes contained in his tax roll, deducting the amount to be paid to the county treasurer, and deducting the amount of one per cent. upon all taxes collected by such collector, for the collector's fees for collecting or receiving the same.

SEC. 14. No bond, note or other obligation or evidence of indebtedness of said corporation, except orders on the treasurer, as hereinafter provided, shall ever be given or issued by said corporation, or by any officer thereof, in his official capacity, whereby the said city shall become obligated to pay any money, unless the same shall have been duly authorized by the Legislature of this State, and shall have been submitted to and voted for by the tax-payers of said city in conformity to this act, but the common council may allow just claims against the city, and may issue orders therefor on the treasurer, payable on the first day of February next thereafter, but such orders shall not in the aggregate, in any one year, exceed the aggregate of taxes levied to pay the same in such year. All moneys received for the use of said city, shall be paid into the city treasury; and no money shall be drawn from the treasury unless it shall have been previously appropriated by the common council to the purpose for which it shall be drawn, except school moneys drawn upon lawful authority, and the treasurer shall pay out no money, except as above stated, but upon the written warrant of the mayor and recorder.

TITLE VI.

STREETS, SIDEWALKS AND PUBLIC IMPROVEMENTS.

SEC. 1. The common council shall be the commissioners of highways for said city, and shall have the care, supervision and control of the highways, streets, bridges, lanes, alleys,

parks and public grounds therein, and of keeping, preserving, repairing, improving, cleansing and securing of such highways, bridges, lanes, alleys, parks and public grounds. The common council shall have power to regulate the time and manner of working upon the streets; to provide for grading and paving the same; to prevent the obstruction or incumbering of any of the streets, lanes, alleys, sidewalks or public grounds in said city; to provide for the erection, preservation and maintenance of lamp-posts and lamps in said streets, and to provide for lighting the same; to provide for the planting and protection of shade trees along the sides of the streets and on public grounds in said city, and to keep such public grounds in good condition; to lay out, open and repair streets and alleys, and the same to alter and vacate, and to alter and vacate those already laid out. Whenever the common council shall be applied to in writing by ten or more freeholders of said city to lay out, establish, open, alter or discontinue any street, common, lane, alley, sidewalk, highway, water-course or bridge, they shall proceed to lay out, establish, open, alter or discontinue the same as hereinafter directed: *Provided*, That no second application shall be made within twelve months for that purpose. Whenever the common council shall be applied to as before mentioned, to lay out and establish, open, alter or discontinue such streets, commons, lanes, alleys, sidewalks, highways, water-courses and bridges, the common council shall give notice thereof to the owners or occupants or persons interested, or his or their agent or representative, by personal service or by posting up notices in five or more public places in the city, stating the time and place, when and where the common council will meet to consider the same, which notice shall describe the street, lane, common, alley, sidewalk, highway, water-course or bridge proposed to be laid out, altered, opened, established or discontinued, and which notice shall be posted at least ten days before the time of meeting. If after hearing the persons interested, who may appear before them, the common council shall determine to lay out or alter any street, lane or alley, they may proceed to obtain a release of the

right of way for the proposed street, by gift or purchase. If the terms of such release shall not be agreed upon, it shall be lawful for the mayor, or in case the mayor shall be absent, for the recorder to apply to any justice of the peace of said city for the appointment of a jury of twelve freeholders of the county, to appraise the damage thereon to such person as shall not have released all claim for damages, or agreed with the common council on the price to be paid by reason of the establishing, laying out, opening or altering such street, common, lane, alley, sidewalk, highway, water-course or bridge, which application shall describe the premises through which it is proposed to open, alter, lay out, establish or discontinue such street, common, lane, alley, sidewalk, highway, water-course or bridge. Upon the receipt of such application, said justice shall make a list of twelve disinterested freeholders residing in the county, and shall issue a venire, under his hand, directed to the marshal of said city or any constable of said county, commanding the officer therein named to summon the persons named in said list, to be and appear at his office on some day to be therein named, not less than six days nor more than twelve days from the time of issuing the same, to serve as jurors to appraise the damages occasioned by taking the property described in such application for the purposes of such street, common, lane, alley, sidewalk, highway, water-course or bridge; and if all the jurors shall not appear, the said justice shall cause a sufficient number of talesmen to be summoned to make a full jury. The jurors shall be sworn by such justice to appraise the damages occasioned by taking the property described in such application for the purposes aforesaid. They shall proceed to view the premises described, and shall, within five days thereafter, make returns to the said justice in writing, signed by them, of their doings, which shall state the amount of damages awarded, if any, to whom payable if known, and a statement of the time spent by them for that purpose, which return shall be certified by said justice and filed in the recorder's office. Such jurors shall be entitled to receive one dollar per day, and fifty cents for each half day, and the justice and marshal or constable each

one dollar for their fees, and the award of said jury shall be final and conclusive. The damages which shall have been awarded as heretofore provided, or which shall have been contracted to be paid by said common council as in this section provided, and the fees and charges lawfully incurred shall be levied and collected in said city, and shall be paid on the order of the common council as other city charges, and such order for damages shall be delivered or tendered to the person or persons in whose favor such award of damages shall be made if known, and residents of said city, before such street, lane or alley shall be opened or used: *Provided*, The parties in whose favor an award of damages shall be made are unknown or be non-residents, it shall be sufficient to make the award of damages to the "unknown owner or owners, or non-resident owner or owners" of the parcel of land taken, describing it as the parcel through which street, lane, alley, sidewalk, bridge or highway may run, and the unknown parties or non-residents shall be entitled to receive their orders as aforesaid upon proof to the common council of their ownership of said property so appropriated to the public use.

SEC. 2. The common council shall have all the powers given by statute to highway commissioners, so far as applicable, except as herein otherwise provided; and the city recorder shall discharge the like duties as are imposed on the township clerk by the provision of law.

SEC. 3. When the damages or compensation aforesaid shall have been paid or tendered to the person entitled thereto, or an order on the city treasurer for the amount of such damages, shall have been executed and delivered, or tendered to such person or persons, if known, and residents of said city, said common council shall then give notice to the owner or occupant of the land through which any such highway, street, lane, alley or common, sidewalk, water-course or bridge shall have been laid out, altered or established; or if such owner or occupant shall not be known, or be non-resident, then by posting such notice in three public places in the ward or wards in which said property shall be situated, and require him within

such time as they shall deem reasonable, not less than thirty days after giving such notice, to remove his fence or fences; and in case such owner or occupant shall neglect or refuse to remove his fence or fences within the time specified in such notice, the said common council shall have full power, and it shall be their duty to enter with such aid and assistance as shall be necessary, upon the premises and remove such fence or fences, and open such highway, street, lane, alley, sidewalk or water-course, without delay, after the time specified in such notice shall have expired: *Provided*, That in the rural districts of said city, no person shall be required to remove his fence or fences between the first day of May and the first day of November.

SEC. 4. No person shall be deemed to have gained any title as against the city by lapse of time, to any street, lane, alley, common or public square heretofore laid out or platted by the proprietor or proprietors of said city, or any part thereof, by reason of any encroachment or enclosure of the same.

SEC. 5. The common council shall have power to cause the expense of making, paving and opening streets, lanes and alleys, of grading, paving or planking sidewalks, of making drains, sewers, water-courses and ditches, and other local improvements to be assessed against the owners or occupants of the lots or premises which are in front of or adjoining such improvements, or by general tax, as they may deem just and proper: *Provided*, That no such assessment shall be made or collected other than by general tax, unless upon the application in writing of two-thirds of all the resident owners or occupants of the real estate which may be subject to pay the tax for such local improvement; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and collecting such tax, and they may, by such by-laws and ordinances, provide that the real estate assessed for such improvements, may be sold or leased for a term of years to pay such assessment.

SEC. 6. The common council shall have power to assess and collect from every white male inhabitant of said city over

the age of twenty-one years (except paupers, idiots and lunatics) an annual capitation or poll tax not exceeding one dollar, and they may provide by their by-laws for the collection of the same; and the street commissioner shall have and possess all the powers given by statute to overseers of highways in the collection of highway taxes assessed against individuals in townships, except as is otherwise provided by the ordinances or by-laws of said common council: *Provided*, That any person assessed for a poll tax may pay the same by one day's labor upon the streets, under the direction of the street commissioner, who shall give to each person so assessed, notice of the time and place when and where such labor will be required; and the money raised by poll tax, or the labor in lieu thereof, shall be expended or performed in the respective wards where the person so taxed shall reside.

SEC. 7. The common council shall have power to provide for keeping clear, repairing and renewing, when necessary, all sidewalks that are now made, or may hereafter be made, planked or paved, within the city of Ann Arbor, and to make rules and ordinances to require the respective owners or occupants of real estate in said city, having a sidewalk in front thereof, to keep it clear and in good repair, or renew when necessary the sidewalk in front of the premises owned or occupied by them respectively, and the common council shall have power to provide for enforcing by fine or otherwise, the repair, clearing or renewing the sidewalks, against the owner or occupant, whose duty it is to repair, clear and renew the same, and may prescribe the time and manner of notifying and requiring persons to clear, repair or renew such sidewalks, preparatory to imposing fine or penalty, and the manner of imposing, levying and collecting any such fine or penalty, and may prescribe the manner of assessing, levying and collecting from the person or persons liable to pay, from their goods and chattels, or by sale or by lease for years of the premises, in front of which such sidewalk shall be; and if by reason of the neglect of the owner or occupant, whose duty it may be at the time, to clear, repair, or renew the same shall have been repaired or renewed

by or under the direction of the proper city officers, the expense of such clearing, repairing or renewing, with the cost and expenses of clearing the same, shall be chargeable against such persons so neglecting as aforesaid; the common council shall have power to establish the grade of any sidewalk to be constructed or renewed in said city, to prescribe the width of the same and the materials of which the same shall be composed, and may enforce as aforesaid a compliance with their orders in respect to the same.

SEC. 8. Whenever an action shall have been maintained and judgment recovered against said city by any person on account of damages sustained by reason of any defective sidewalk or opening in the same, occasioned by the wrong or negligence of the owner or occupant of the premises in front of which said sidewalk shall be, or on account of any excavation in the street by any gas, hydraulic or railroad company, and such owner, occupant or company shall have been reasonably notified to appear and defend said action, the judgment, if any, obtained against said city, shall be conclusive as to the amount of damages, and the validity of the claim of the city against such owner, occupant or company, and the same may be recovered in an action for money paid for the use of said owner, occupant or company, or in any other proper form of action.

TITLE VII.

PREVENTION AND EXTINGUISHMENT OF FIRES.

SEC. 1. For the purpose of guarding against the calamities of fire, the common council may from time to time, by ordinance, designate such portions and parts of the said city as they shall think proper, within which no building of wood shall be erected, and may regulate and direct the erection of buildings within such portions and parts, and the size and materials thereof, and the size of the chimneys therein; and every person who shall violate any such ordinance or regulation shall forfeit to the city the sum of one hundred dollars, and every



building erected contrary to such ordinance is hereby declared to be a common nuisance, and may be abated and removed by such common council.

SEC. 2. The common council may by ordinance require the owners or occupants of houses and other buildings to have scuttles on the roofs of such houses and other buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other building, for not complying with such ordinance, the common council may at the expiration of twenty days after such recovery, cause such scuttles and stairs or ladders to be constructed, and may recover the expenses thereof, with ten per cent. in addition, of the owner or occupant whose duty it was to comply with such ordinance.

SEC. 3. The common council may by ordinance require the inhabitants of the city to provide such and so many fire buckets for each house or tenement therein, and within such time, as they shall prescribe, and may require such buckets to be produced at every fire.

SEC. 4. The common council may regulate and direct the construction of safe deposits for ashes, and may compel the cleaning of chimneys, flues, stove-pipes and all other conductors of smoke, and upon the neglect of the owner or occupant of any house, tenement or building of any description having therein any chimneys, flues, stove-pipe, or other conductors of smoke, to clean the same, as shall have been directed by any ordinance, the common council may cause the same to be cleansed, and may collect the expenses thereof and ten per cent. in addition, from the owner or occupant whose duty it was to have the same cleaned.

SEC. 5. The common council may regulate the use of lights and candles in livery stables and other buildings in which combustible articles may be deposited, and may prescribe the use of lanterns or safety lamps in such building; and may regulate the transporting, keeping and deposit of gunpowder or other dangerous or combustible materials, and may prevent or regu-

late the carrying on of manufactures dangerous in causing or producing fires, and may authorize and direct the removal of any hearth, fire-place, stove-pipe, flue, chimney or other conductor of smoke, or any apparatus or device in which any fire may be used, or to which fire may be applied, that shall be considered dangerous and liable to cause and promote fires, and generally may adopt such other regulations for the prevention and suppression of fires as they may deem necessary.

SEC. 6. For the purpose of enforcing such regulations the common council may authorize any of the officers of the said city, and may appoint persons, at all reasonable times to enter into and examine all dwelling-houses, buildings, and tenements of every description, and all lots, yards and enclosures, and to cause such as are dangerous to be put in safe condition; and may authorize such officers and persons to inspect all hearths, fire places, stoves, pipes, flues, chimneys or other conductors of smoke, or any apparatus or device in which fire may be used or to which fire may be applied, and remove and make the same safe, at the expense of the owners or occupants of the buildings in which the same may be, and to ascertain the number and condition of the fire buckets, and the situation of any building in respect to its exposure to fire, and whether scuttles and ladders thereto have been provided, and generally with such powers and duties as the common council shall deem necessary to guard the city from the calamities of fire.

SEC. 7. The common council may procure, own, build, erect and keep in repair such and so many fire engines, with their hose and other apparatus, engine houses, ladders, fire-hooks, and other implements and conveniences for the extinguishment of fires, and to prevent injuries by fire, and so many public cisterns, wells and reservoirs of water as they from time to time shall judge necessary.

SEC. 8. The common council shall have power to organize said city into so many fire districts as they may deem necessary, and may organize and maintain a fire department for said city, to consist of one chief engineer, two assistant engineers, and twice as many wardens as there are wards in the said city,



a proper number of firemen, not exceeding eighty to each engine, such numbers of hook and ladder men, and such number of tub and hose men, as may be appointed by the said common council, all to have privileges and exemptions of firemen, and to hold their appointment during the pleasure of the common council.

SEC. 9. The common council may make rules and regulations for the government of the said engineers, wardens, firemen, hook and ladder men, and tub and hosemen; may prescribe their respective duties in case of fire or alarms of fire; may direct the dresses and badges of authority to be worn by them; may prescribe and regulate the time and manner of their exercise, and may impose reasonable fines for the breach of any such regulations.

SEC. 10. The engineers and fire wardens, under the direction of the common council, shall have the custody and general superintendence of the fire engines, engine house, hooks, ladders, hose, public cisterns, reservoirs and other conveniences for the extinguishment and prevention of fires, and it shall be their duty to see that the same are kept in order, and to see that the by-laws and ordinances relative to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of their department, and of the conduct of the firemen, hook and ladder men, tub and hose men, to the common council at stated periods, to be prescribed by the common council, and to make such reports to the mayor whenever required by him; the certificate of the recorder that a person is or has been a fireman shall be evidence of the facts in all courts and places, and proof of the genuineness of such certificate.

SEC. 11 The common council may, by ordinance, direct the manner in which the bells of the city shall be tolled or rung in cases of fire or alarms of fire, and may impose penalties for ringing or tolling of such bells in such manner at any other time than during a fire or alarm of fire.

SEC. 12. The common council may provide suitable compensation for any injury that any fireman, hook and ladder man,

or tub and hose man may receive in his person or property, in consequence of his exertions at any fire.

SEC. 13. The common council may by ordinance—

First. Prescribe the duties and powers of the engineers and wardens at fires, and in cases of alarms of fire, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires ;

Second. To prescribe the powers and duties of the mayor and aldermen at such fires, and in case of alarms ; but in no case shall the mayor or any alderman control or direct the chief engineer or his assistants during any fire ;

Third. Provide for the removal or keeping away from such fires all idle, disorderly and suspicious persons, and may confer powers for that purpose on the engineers, fire wardens or officers of the city ;

Fourth. Provide for compelling persons to bring their fire buckets to any place of fire, and to aid in the extinguishment thereof by forming lines of ranks for the purpose of carrying water, and by all proper means to aid in the preservation, removal and securing of property exposed to danger by fire ;

Fifth. To compel the marshal and his deputies, constables and watchmen of the city to be present at such fires, and to perform such duties as the said common council shall prescribe.

SEC. 14. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman at any fire, it shall be lawful for the officer giving such orders to arrest or to direct orally any constable, watchman, or any citizen, to arrest such person, and confine him temporarily in a safe place until such fire shall be extinguished ; and in the same manner such officers or any of them may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly.

SEC. 15. Whenever any building in said city shall be on fire, it shall be the duty, and be lawful, for the chief engineer and two members of the common council, or in case of the ab-



sence of the chief engineer, then under the direction of one of the assistant engineers, and two members of the common council; or in case of the absence of the chief and assistant engineers, then under the direction of three members of the common council and the foreman of a fire company, to order and direct such building, or any other building which they may deem hazardous and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed, and no action shall be maintained against any person or against the city therefor; but any person interested in any such building so destroyed or injured, may, within three months thereafter, apply to the common council to assess and pay the damages he has sustained; at the expiration of three months, if any such application shall have been made in writing, the common council shall either pay to the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agreement shall be effected the common council shall proceed to assess the amount of such damages, and provide for the collection and payment of the same.

SEC. 16. The common council, in assessing the damages incurred by any claimant, by the pulling down or destruction of such building, by the direction of said officers of the city, as above provided, shall take into account the probability of the same having been destroyed or injured by fire if it had not been so pulled down and destroyed, and may report that no damage should be equitably allowed to such claimant; and in case no damages are allowed, or in case any damages are allowed, a payment or tender of an order for the same by the common council, shall be deemed a full satisfaction of all said damages of the said claimant.

TITLE VIII.

OF THE PUBLIC HEALTH.

SEC. 1. It shall be the duty of the common council of said city to appoint a board of health once in each year for said city, to consist of not less than three, nor more than one person in

each ward, one of whom shall be a competent physician, and who shall be the health officer thereof.

SEC. 2. The members of said board shall hold their office for one year, and until their successors are appointed and accept said office, and they shall be removed by the common council only for neglect of duty, misconduct or corruption in office, and after a fair opportunity for defense shall be given them before said council.

SEC. 3. The said board shall have and possess all the powers given by the general statutes of this State to boards of health in townships, in addition to those herein particularly enumerated. Said board of health shall have power and it shall be their duty to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain and examine for that purpose every person coming from any place infected or believed to be infected with such a disease; to establish, maintain and regulate a pest-house or hospital at some place within the city, or not exceeding three miles beyond its limits or bounds; to cause any person not being a resident of the city, or if a resident of the city who is not an inhabitant of this State, who shall be, or be suspected of being infected with any such disease, to be sent to such pest-house or hospital, to cause any resident of the city infected with any such disease to be removed to such pest-house or hospital if the health physician and two other physicians of the city, including the attending physician of the sick person, if he have one, shall certify that the removal of such resident is necessary for the public health: *Provided*, It can be done with safety to the patient; to remove from the city or destroy any furniture, wearing apparel or goods, wares or mercandise, or other articles of property of any kind, which shall be suspected of being tainted or infected with any pestilence, or which shall be, or likely to pass into such a state as to generate and propagate disease; to abate all nuisances of every description, which are or may be injurious to the public health in any way, or in any manner they may deem expedient, and from time to time to do all acts, make all regulations and pass all ordinances,

which they shall deem necessary or expedient, for the preservation of health and suppression of disease in the city, and to carry into effect and execute the powers hereby granted.

SEC. 4. The owner, driver, conductor, or person in charge of any stage coach, railroad car or other public conveyance which shall enter the city, having on board any person sick of malignant fever or pestilential or infectious disease, shall, within two hours after the arrival of such sick person, report in writing the fact, with the name of such person, and the house or place where he was put down in the city, to the mayor, or some member or officer of the board of health, and any and every neglect to comply with the provisions, or any of them, shall be a misdemeanor, punishable with fine and imprisonment.

SEC. 5. Any person who shall, knowingly bring or procure, or cause to be brought into the city, any property of any kind, tainted or infected with any malignant fever or pestilential or infectious disease, shall be guilty of a misdemeanor, punishable by fine and imprisonment.

SEC. 6. Every keeper of an inn, or boarding house or lodging house, in the city, who shall have in his house at any time any sick traveler or stranger, shall report the fact and name of the person in writing, within six hours after he came to board or was taken sick therein, to the mayor, or some officer or member of the board of health; every physician in the city shall report, under his hand, to one of the officers above named, the name, residence and disease of every patient whom he shall have sick of any infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of sections four, five and six, or any part of either of them, shall be a misdemeanor, punishable by fine and imprisonment, the fine not to exceed one hundred dollars, nor the imprisonment six months.

SEC. 7. All fines imposed under this title, shall belong to the city, and when collected shall be paid into the treasury, and be devoted to the maintenance and support of the pest-house, or of any hospital that may hereafter be established by the city.

SEC. 8. The common council shall have power to pass and enact such by-laws and ordinances as they from time to time shall deem necessary and proper for the filling up, draining, cleansing, cleaning and regulating any grounds, yards, basins, or cellars, within the said city, that shall be sunken, damp, foul, incumbered with filth and rubbish or unwholesome, and for filling, or altering and amending all sinks and privies within the said city, and for directing the mode of constructing them in future, and to cause all such works as may be necessary for the purpose aforesaid and for the preservation of the public health and the cleanliness of the city, to be executed and done at the expense of the city corporation, on account of the persons respectively, upon whom the same may be assessed, and for that purpose cause the expenses thereof to be estimated, assessed and collected, and the lands charged therewith sold in case of non-payment, the same as is provided by law with respect to other public improvements within said city, and in all cases when the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which such assessment shall have been incurred, shall be briefly described in the manner required by law in the assessment roll for the general expenses of the city, and the sum of money assessed to each owner or occupant of any such house or lot, shall be the amount of money expended in making such improvement upon such premises, together with a ratable proportion of the expenses of assessing and collecting the money expended in making such improvements.

SEC. 9. Whenever, in the opinion of the common council, any building, fence, or other erection of any kind, or any part thereof, is liable to fall down, and persons or property may thereby be endangered, they may order any owner or occupant of the premises on which said building, fence, or other erection stands, to take down the same or any part thereof within a reasonable time, to be fixed by their order, or immediately, as the case may require, or may immediately, in case the order is

not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the same on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city paper, as the common council shall direct.

SEC. 10. The said board of health shall have power to appoint one of their number a clerk, whose duty it shall be to attend the meetings thereof, and to keep a record of its proceedings, and such record, or a duly certified copy of the same, or any part thereof, shall be *prima facie* evidence of the facts therein contained, in any court or before any officer.

SEC. 11. The members of the board of health shall receive such compensation for their services as may be allowed by the common council.

TITLE IX.

COURTS OF JUSTICE, FINES, PENALTIES AND LEGAL PROCEEDINGS.

SEC. 1. The justices of the peace in said city exercising civil jurisdiction, shall be deemed justices of the peace of the county of Washtenaw, and shall have all the powers and jurisdiction given by the general laws of the State in relation to civil and criminal cases before justices of the peace in townships, and appeals from their judgments and convictions may be made to the circuit court for the county of Washtenaw, in the same manner as appeals from justices' judgments and convictions in towns are made: *Provided*, That all actions within the jurisdiction of justices of the peace may be commenced and prosecuted in said justices' courts, when the plaintiff or defendant, or one of the plaintiffs or defendants resides in a township adjoining the township or city of Ann Arbor, or in the townships of York, Saline, Freedom or Lima.

SEC. 2. Any justice of the peace residing in said city of Ann Arbor, shall have full power, and authority, and it is hereby made the duty of such justice, upon complaint to him, in

writing, to inquire into and hear, try and determine all offenses which shall be committed within said city against any of the by-laws or ordinances which shall be made by the common council in pursuance of the powers granted by this act, and to punish the offenders, as by said by-laws or ordinances shall be prescribed or directed; to award all process, and take recognition for the keeping of the peace, for the appearance of the person charged, and upon appeal, and to commit to prison as occasion may require.

SEC. 3. The corporation of the city of Ann Arbor shall be allowed to use the common jail of the county of Washtenaw, for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances [of] the common council, and all persons committed to jail by any justice of the peace for a violation of a by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged, as in other cases. Whenever, by the terms of any ordinance of said city, it is provided that any person convicted of an offense shall be imprisoned, said person may be confined in the county jail of the county of Washtenaw, or in the house of correction in the city of Detroit, in the discretion of the court.

SEC. 4. Whenever any person shall be charged with having violated any ordinance of the common council, by which the offender is liable to imprisonment, any justice of the peace residing in said city, to whom complaint shall be made, in writing and on oath, shall issue a warrant, directed "to the sheriff or any constable of the county of Washtenaw," commanding him forthwith to bring the body of such person before him, to be dealt with according to law; and the marshal, or other officer to whom said warrant shall be delivered for service, is hereby required to execute the same, in any part of this State where such offender may be found, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process.

SEC. 5. All process issued by any justice of the peace, to enforce or carry into effect any of the by-laws or ordinances of

the common council, shall be directed "to the marshal of the city of Ann Arbor," or "to the sheriff or any constable of the county of Washtenaw," and such process may be executed by any of said officers anywhere within this State, and shall be returned the same as other similar process issued by justices of the peace. The expenses of apprehending, examining and committing offenders against any law of this State in the said city, and of their confinement, shall be audited and allowed and paid by the supervisors of the county of Washtenaw, in the same manner as if such expenses had been incurred in any town of said county.

SEC. 6. All actions against the city of Ann Arbor shall be commenced by summons, which shall be served upon the recorder at least six days before the return day thereof, by giving him a copy of said summons, with the name of the officer serving the same endorsed thereon, or in case of the absence of the recorder from the city, then by leaving such copy with the mayor, endorsed as aforesaid: *Provided*, No suit shall be maintained against the city, until the claim whereon the same is founded shall have been presented to the common council of said city, at a regular meeting of the same, for allowance.

SEC. 7. In all suits in which the corporation of the city of Ann Arbor shall be a party, or shall be interested, no inhabitant of said city shall be deemed incompetent as an officer, witness or juror, on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with the inhabitants of said city.

SEC. 8. In all trials before any justice of the peace of any person charged with a violation of any by-law or ordinance of the common council, either party shall be entitled to a jury of six persons; and all the proceedings for the summoning of such jury and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceeding in similar cases before justices of the peace; and in all cases, civil and criminal, the right of appeal from the justice's court to the circuit court for the county of Washtenaw, shall be allowed; and the person appealing shall enter into a recognizance conditioned to prose-

cute the appeal in the circuit court, and abide the order of the court therein, or such other recognizance as is or may be required by law in appeals from justices courts, in similar cases: *Provided*, If any judgment in any action shall be rendered against the city by any justice of the peace, such judgment may be removed by appeal to the circuit court in the county of Washtenaw, in the same manner and with the same effect as though the city were a natural person, except that no bond or recognizance to the adverse party shall be necessary to be executed by or on behalf of the said city.

SEC. 9. All fines imposed by any by-law or ordinance of the common council may be sued for by the attorney of the city, in the name of the corporation, before any justice of the peace of said city; and whenever any fine shall be imposed by any justice of the peace for a violation of any ordinance of the common council, it shall be the duty of the justice forthwith to issue execution to the marshal of the city, commanding him to collect of the goods and chattels of the person so offending the amount of such fine, with interest and costs, and for want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the common jail of the county, or to the house of correction in the city of Detroit, in the discretion of the court, to be safely kept by the officer in charge until said defendant be discharged by the course of law; and the defendant shall remain imprisoned until the execution, with all costs and charges thereon, shall be paid, or he be discharged by due course of law: *Provided*, That the common council may remit such fine, in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same.

SEC. 10. All fines, penalties or forfeitures recovered before any of said justices for a violation of the by-laws or ordinances of said city shall, when collected, be paid into the city treasury; and each of said justices shall report, on oath, to the common council on the first Mondays of January, April, July and September, during the term for which he shall perform the duties of such justice, the number and name of every person

against whom judgment shall have been rendered for such fine, penalty or forfeiture, and all moneys so received, or which may be in his hands, collected on such fine, penalty or forfeiture, shall be paid into said city treasury on the first Monday of the months above named during the time such justice shall exercise the duties of said office, and for any neglect in this particular he may be suspended or removed, as hereinafter provided.

SEC. 11. Any justice of the peace of said city may be suspended or removed from his said office by the circuit court for the county of Washtenaw for neglect or refusal to pay over, as required by law, moneys by him collected for or on account of any fine, penalty or forfeiture, or the unfaithful or insufficient performance of his duties in relation to the internal police of the State, or for any official misconduct, on charges specifically preferred by said common council of said city, or any member or officer thereof, or by three electors of said city, founded on affidavit filed in said circuit court, specifically stating the charges complained of, a copy whereof shall be served upon him at least ten days before presenting such charges to said court, and opportunity shall be given to him to be heard in his defense.

SEC. 12. All persons being habitual drunkards, destitute and without any visible means of support, and who, being such habitual drunkards, shall abandon, neglect, or refuse to aid in the support of their families, being complained of by such families, all able-bodied and sturdy beggars who may apply for alms or solicit charity, all persons wandering abroad, lodging in watch-houses, out-houses, market places, sheds, stables or uninhabited dwellings, or in the open air, and not giving a good account of themselves, all common brawlers and disturbers of the public quiet, all persons wandering abroad and begging, or who go about from door to door, to place themselves in streets, highways, passages or other public places, or beg or receive alms within the said city, shall be deemed vagrants, and may, upon conviction before any justice of the peace in said city, be sentenced to confinement in the county jail of said county, or in the house of correction in the city of Detroit, for any time not exceeding sixty days.

among the duties

SEC. 13. All persons who shall have actually abandoned their wives or children in the city of Ann Arbor, or may neglect to provide, according to their means, for their wives or children, are hereby declared to be disorderly persons, within the meaning of chapter thirty-nine, of title nine, of the revised statutes of eighteen hundred and forty-six, and may be proceeded against as such, in the manner directed by said title; and it shall be the duty of the magistrate before whom any such person may be brought for examination, to judge and determine from the facts and circumstances of the case whether the conduct of said person amounts to such desertion or neglect to provide for his wife or children.

TITLE X.

SALARIES OF OFFICERS.

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SEC. 1. The officers of said corporation shall be entitled to receive out of the city treasury, the following sums in full payment of their services: The mayor shall be paid one dollar per annum; the aldermen shall be entitled to receive one dollar and fifty cents per day, when employed in assisting the supervisor in taking the assessment; the recorder, city attorney and treasurer shall be entitled to receive, respectively, such sums as the common council shall allow, not exceeding one hundred dollars per annum; the marshal shall be entitled to receive the same fees for serving process in behalf of the corporation, as constables are by law allowed for similar services, and he shall also receive such further compensation, not exceeding one hundred dollars per annum, as the common council shall allow; the collector, justices of the peace and constables shall be allowed the same fees as are allowed by law to corresponding township officers; the street commissioner and supervisors, and all other officers of said city, shall be entitled to receive such compensation as the common council shall allow, not exceeding one dollar and a half per day, for every day actually employed in the performance of the duties of their respective offices.

MISCELLANEOUS PROVISIONS.

SEC. 1. The mayor or chairman of any committee or special committee of the common council shall have power to administer any oath, or take any affidavit in respect to any matter pending before the common council or such committee.

SEC. 2. Any person may be required to take any oath or affirmation, under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise, wilfully swear falsely as to any material fact or matter, shall be deemed guilty of perjury.

SEC. 3. If any suit shall be commenced against any person, elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit, whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

SEC. 4. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships of this State, in relation to schools, school taxes, county and State taxes, and State, district any county elections; and the supervisors and assessors, justices of the peace and recorder, and all other officers of said city, who are required to perform the duties of township officers of this State, shall take the oath, give the bond, perform like duties, and receive the same pay and in the same manner, and be subject to the same liabilities as provided for the corresponding township officers, excepting as is otherwise provided in this act, or as may be provided by the ordinances of the common council. *d*

SEC. 5. The ordinances now in force in the city of Ann Arbor shall remain in force until repealed, altered or amended by the common council; and all property, rights, credits and effects of every kind, belonging to either of the corporations

known as the village of Ann Arbor or of the city of Ann Arbor, shall be and remain the property of the said city of Ann Arbor.

SEC. 6. All acts heretofore enacted in regard to the village of Ann Arbor, or the city of Ann Arbor, coming within the purview of this act, are hereby repealed: *Provided*, That the repealing of said acts aforesaid shall not affect any act already done, or any right acquired under, or proceeding had or commenced by virtue thereof, but the same shall remain as valid as if said acts remained in full force: *And provided further*, That all persons now holding office in the city of Ann Arbor, under the acts hereby repealed, shall continue to hold and exercise the duties of such offices during the term for which they were respectively elected, unless by change of boundaries they shall cease to reside in the ward or district for which they were elected.

SEC. 7. This act shall not be construed so as to change, alter or annul any act heretofore passed for the organization or government of school district number one, of the city and township of Ann Arbor.

SEC. 8. This act shall be deemed a public act, and shall be favorably construed in all courts.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 23, 1867.

AMENDMENTS TO THE CHARTER
OF THE
CITY OF ANN ARBOR.

[No. 119.]

A BILL to amend an act entitled "An act to revise and amend an act to incorporate the city of Ann Arbor," approved April fourth, eighteen hundred and fifty-one, and an act amendatory thereto, approved February twelfth, eighteen hundred and fifty-nine, and also an act amendatory thereto, approved February twenty-fifth, eighteen hundred and sixty-one, approved March twenty-third, eighteen hundred and sixty-seven.

SECTION 1. *The people of the State of Michigan, enact,*
That section two of title two of said act be amended so as to read as follows :

SEC. 2. The inhabitants of said city, having the qualifications of electors, under the constitution and laws of this State, shall on the first Monday of April, in each year, at such place in each ward, as the common council shall designate, proceed to elect, by plurality of votes, by ballot from among the qualified electors of said city, one mayor, one recorder, one justice of the peace for said city; and the qualified electors of the first and second wards shall elect one supervisor (and one collector;) and the qualified electors of the third and fourth wards shall also elect one supervisor (and one collector;) and the qualified electors of the fifth and sixth wards shall also elect one supervisor (and one collector;) the qualified electors of each ward shall, at the same time and place, elect one alderman and one



constable: *Provided*, That in each ward in which there shall, at the time of such election, be no alderman having another year to serve, there shall be two aldermen elected, one for the term of one year and one for the term of two years, and one alderman shall thereafter be elected annually in each ward, to hold his office for the term of two years and until his successor is elected and qualified.

SEC. 2. That section seven of title two of said act be amended so as to read as follows :

SEC. 7. The officers of said city to be appointed by the common council shall be a marshal, treasurer, attorney, a chief engineer of the fire department, and two assistants ; a street commissioner for each supervisor district, and such other officers whose election is not herein specifically provided for, as the common council shall deem necessary, to carry into effect the powers granted by this act, and to remove the same at pleasure. The common council shall also have power to remove the marshal at pleasure ; and in case any office in said corporation shall become vacant from any cause, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of the year ; and all officers so appointed shall be notified and qualified as herein directed.

SEC. 3. That section eleven of title three of said act be amended so as to read as follows :

SEC. 11. The marshal, recorder, city treasurer, (collector,) and street commissioner shall respectively give bonds to the city in such sums and with such sufficient sureties, conditioned for the faithful performance of their respective duties as shall be ordered and approved by the common council: *Provided*, That any officer performing the duties required by township officers in regard to the collection of taxes, shall give and file their bonds in such amounts, and in such time as is required by the corresponding township officers ; and the several officers above named shall perform all other duties and exercise such powers as may be defined by this charter, and the ordinances of the common council passed in conformity to it.

SEC. 4. That section two of title five of said act be amended so as to read as follows :

SEC. 2. The common council shall have authority to assess, levy, and collect taxes on all the real and personal estate taxable in said city, which tax shall be and remain a lien upon the property so assessed until the same shall be paid : *Provided*, That they shall not raise by general tax in any one year more than six thousand dollars for general purposes, nor more than two thousand dollars for street or highway purposes, except as hereinafter stated, unless authorized thereto, by a vote of the property tax payers of said city, who are electors when convened for that purpose, pursuant to previous notice : *Provided*, The common council shall have the power, at the request of the alderman of any ward, to cause to be licensed and collected by taxes, a sum not exceeding one thousand dollars per annum for highway purposes to be expended in said ward under the direction of the aldermen of said ward.

SEC. 5. That section three of title five of said act be amended so as to read as follows :

SEC. 3. Whenever the common council shall deem it necessary to raise a greater sum in any one year than six thousand dollars for general purposes, or two thousand dollars for street or highway purposes, they shall give at least five days notice, in writing, to be posted up in at least five public places in each ward in said city, which notice shall state the time and place of such meeting, and shall specify the objects and purposes for which the money proposed to be raised is to be expended, and when such meeting shall be assembled in pursuance of such notice, such electors, by a ballot vote shall determine the amount of money which shall be raised for such object specified in the notice : *Provided*, That such tax shall not in any one year exceed one per cent of the valuation of the real and personal estate taxable within the limits of the city : *And provided also*, That not more than two such meetings shall be held in any one year, beginning the first day of January and ending the last day of the December following.

54 AMENDMENTS TO THE CHARTER OF THE CITY OF ANN ARBOR.

SEC. 6. That section one of title ten of said act be amended so as to read as follows :

SEC. 1. The officers of said corporation shall be entitled to receive out of the city treasury the following sums in full payment of their services : The mayor shall be paid one dollar per annum ; the aldermen shall be entitled to receive one dollar and fifty cents per day, when employed in assisting the supervisor in taking the assessment ; the recorder shall receive such sum as the common council shall allow, not exceeding three hundred dollars per annum ; the city attorney and treasurer shall be entitled to receive, respectively, such sums as the common council shall allow, not exceeding one hundred dollars per annum. The marshal shall be entitled to receive the same fees for serving process in behalf of the corporation as constables, are by law allowed for similar services, and he shall also receive such further compensation, not exceeding one hundred dollars per annum, as the common council shall allow ; the collector, justices of the peace and constables shall be allowed the same fees as are allowed by law to corresponding township officers ; the street commissioners and supervisors, and all other officers of said city, shall be entitled to receive such compensation as the common council shall allow, not exceeding two dollars per day, for every day actually employed in the performance of the duties of their respective offices.

§

ORDINANCES

OF THE

CITY OF ANN ARBOR.

[No. 1.]

AN ORDINANCE RELATIVE TO POUNDS AND TO PREVENT CATTLE RUNNING AT LARGE.

Be it Ordained by the Mayor, Recorder, and Aldermen of the
City of Ann Arbor.

SECTION 1. The common council of the city of Ann Arbor shall, as soon as practicable, provide two suitable pounds, one to be located north of Huron river to be styled "North Pound," the other south of Huron river to be styled "South Pound;" and shall appoint a pound keeper for each pound, who shall hold the office until another is appointed in his place.

SEC. 2. It shall be the duty of each pound keeper to receive from any person, whose duty it is by this ordinance to drive the same, all animals so drove to the pound under his charge, to pay for driving, to safely keep, care for and feed, to deliver to the owner upon receiving his fees with all expenses, and to give notice and sell the same if not taken away in accordance with this ordinance; he shall keep an account of all sales with a description of the animal sold, the amount for which it was sold, with the name of the purchaser, the cost and charges against such, crediting the balance to the city, and if paid to the owner state to whom and take his receipt therefor; he shall file a copy of such record with his account and receipt and the city treasurer's receipt with the recorder between the

first and fifteenth day of March in each year, immediately preceding which he shall pay to the city treasurer all balances in his hands.

SEC. 3. It shall be unlawful for any horse, mare, mule, colt, bull, ox, steer, cow, calf, hog, shoat, pig, sheep, goose, or duck to go at large within the limits of the city of Ann Arbor; it shall be lawful for any person and it shall be the duty of the marshal and each of his deputies and of each constable of said city to drive the same to pound or cause the same to be so driven, and for driving the same to pound as aforesaid the marshal, constable, or any person employed by the marshal, shall be entitled to receive twenty cents for each horse, mare, mule, colt, bull, ox, steer, cow, calf, hog, or shoat, and five cents for each sucking pig, sheep, goose or duck.

SEC. 4. The pound keeper shall be entitled to the same fees for receiving that the driver is for driving each animal, together with reasonable charges for keeping and feeding, not exceeding twenty-five cents per day which shall be paid him by the owner thereof or by some other person, before such animal shall be released from the pound, and if the owner shall not pay the fees for driving, impounding, and all reasonable charges within forty-eight hours after the same is impounded, then the pound keeper shall sell such animal at public vendue at the pound, giving three days notice thereof by advertisements posted at the pound, at the nearest public house, and at the post-office in said city, except the geese and ducks which may be sold after forty-eight hours detention without notice, two or more bidders being present; the pound keeper shall be entitled to receive out of proceeds of the sale fifty cents for advertising each lot of animals and five per cent. on amount of sale for selling, he shall return the surplus to the owner of such animal, provided it shall be demanded previous to its being paid to the city treasurer.

SEC. 5. It shall be the duty of the marshal, and each of his deputies, to carry the provisions of this ordinance into effect, and upon complaint, before any justice of the peace in said city of a neglect or failure, after due notice, to drive or cause to be driven to the pound any horse, mare, mule, colt, bull, ox,

steer, cow, calf, hog, shoat, pig, sheep, goose, or duck found running at large in said city, with proper proof thereof, he shall on conviction be sentenced to a fine of not less than one dollar nor more than five dollars together with cost of prosecution.

SEC. 6. If either of the pound keepers shall refuse to receive any animals driven to the pound, in accordance with this ordinance, or shall wilfully neglect any other duty hereby prescribed he shall upon conviction pay a fine of one dollar and cost of prosecution, and if he shall neglect to render a correct account and to pay over whatever balance there may be in his hands according to section two, he shall upon complaint and conviction before any justice of the peace in said city, pay a fine of not less than ten dollars, together with the amount of all moneys ascertained to be in his hands, and costs of prosecution.

SEC. 7. If any person shall wilfully break or attempt to break either of the pounds in said city or rescue or attempt to rescue any animal confined therein, or while being driven thereto, or attempt to prevent the same from being retaken, provided it shall have escaped; he shall upon conviction thereof be fined not exceeding fifty dollars and costs of prosecution, or imprisoned ten days and costs of prosecution, or both, according to discretion of the court.

SEC. 8. The marshal or his deputies shall not be under obligation to drive milch cows to pound, between 6 o'clock A. M., and 8 o'clock P. M., after the 15th day of March, and before the 15th day of November, unless the same are breachy, or malicious, or trespassing upon the enclosure of any person or persons other than the owner of said cows.

SEC. 9. When any cow or other animal shall have entered the enclosure of any person not the owner of said animal, the owner or occupant of said premises, his or her employe, may drive the same to pound, having the same rights that the marshal or his deputies have by the ordinance first above mentioned; and the same penalties shall be attached to any person who may attempt to rescue the animal from the driver.

SEC. 10. No person shall enter the enclosure of the owner of any animal and drive it therefrom, unless the same shall have

escaped or been rescued from the person driving the same, or from the pound, under a penalty of not less than one dollar, nor more than ten dollars, and costs of prosecution, to be recovered before any justice of the peace, in said city of Ann Arbor.

[No. 2.]

✓ AN ORDINANCE RELATIVE TO STUD HORSES.

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor—

That from and after the passage of this ordinance it shall not be lawful for any person to display or detain for public exhibition, or for the purposes of generation in the city of Ann Arbor, any stud horse; any person so offending shall be liable to a fine of five dollars and costs, to be recovered in an action of debt, before any justice of the peace of said city.

[No. 3.]

AN ORDINANCE RELATIVE TO THE FIRE DEPARTMENT
OF THE CITY OF ANN ARBOR.

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor.

SECTION 1. The fire department of the city of Ann Arbor shall consist of a chief engineer, two assistant engineers, two fire wardens in each ward, and so many fire engine, hook and ladder, hose and bucket companies as the common council shall from time to time direct. The chief and assistant engineers and fire wardens shall be appointed by the common council annually in the month of May, or as soon thereafter as

may be, and shall hold their offices until the first day of May next ensuing their election, and until their successors are appointed.

SEC. 2. The chief engineer shall have full power, control and command over all persons whatever, at any fire, except members of the common council; and in his absence the assistant engineers shall perform his duties. In the absence of the chief and assistant engineers from any fire, the mayor, and in his absence, the recorder shall discharge the duties of chief engineer until the proper officer shall arrive and assume the command.

SEC. 3. It shall be the duty of the chief engineer at all fires, to direct such measures as he may deem most proper for the speedy extinguishment of the fire. He shall also have the general supervision of the fire engines and other apparatus and property belonging to the fire department, and shall from time to time ascertain and report to the common council the repairs necessary to be made to keep the engines, hose, apparatus and property of the fire department in good repair and serviceable order. He shall also, as often as once in six months, report to the common council all accidents by fire that may happen in the city, with the cause thereof as near as can be ascertained, with the number and description of buildings destroyed or injured, and the names of the owners or occupants thereof, and the estimated loss of property at each fire.

SEC. 4. At every fire, each fire warden shall report himself to the chief engineer or other officer in command, and shall be subject to his orders. It shall be the duty of the fire wardens at every fire to protect the hose, buckets and other property of the fire department from injury; to keep all idle and suspected persons from the fire and its vicinity; to form lines for the conveyance of water to the engines, and for that purpose they shall have authority to command all persons present to form lines or otherwise aid in supplying the engine with water; and if any person shall refuse to obey such order of the wardens, he may be immediately expelled from the vicinity of the fire.

SEC. 5. Any person who shall at any fire wilfully resist, hinder or obstruct any officer or other person in the discharge of his duty at such fire, or who shall wilfully injure any hose or apparatus belonging to the fire department, may be arrested and detained in custody by any fire warden until such fire is extinguished; and such person shall for every such offence, forfeit and pay a fine of ten dollars, and be liable to an action for the recovery of damages.

SEC. 6. The aldermen of said city shall ex-officio be fire wardens, and any member of the common council may, at all fires, exercise the same power and authority as is conferred upon the fire wardens by sections four and five of this ordinance.

SEC. 7. The officers of any fire or hose company authorized by the common council shall consist of a foreman, a first and second assistant foreman, four wardens, a secretary, treasurer and steward, and not less than fifty or more than eighty men, and such other officers as the members thereof may see fit to elect. The members of said company shall elect their own officers at such time and in such manner as they shall think proper. They may adopt a constitution and pass by-laws for the government of the company, subject to the approval of the common council, and may impose and collect such fines for the non-attendance or neglect of duty of any member of the company as they may deem necessary and proper.

SEC. 8. It shall be the duty of every member of any fire company which is or may be formed in said city, upon the breaking out of any fire in said city, to repair immediately upon the alarm thereof to their respective fire apparatus, and convey the same to the place where such fire shall happen, and under the direction of the chief engineer and their several officers to work and manage their engines and apparatus belonging thereto, for the extinguishment of the fire, and not remove therefrom but by the direction of the chief engineer, or other officer authorized to direct them, which direction being obtained they shall return with their engines and implements to their several

places of deposit, and as soon thereafter as may be, wash and clean the same.

SEC. 9. It shall be the duty of the foreman of every company belonging to the fire department to return to the common council the names of all the persons composing such company, stating the times when they severally became such members; and when any person shall for any reason have ceased to be a member, the foreman shall certify that fact to the common council, and any person whose name shall be returned by the foreman as a member of any company may apply to the recorder annually and obtain a certificate of his membership, which shall for one year thereafter be *prima facie* evidence of his membership, and shall exempt him from service on juries, from military duty in time of peace, and from the payment of a poll tax.

SEC. 10. It shall be lawful for the chief engineer, or assistant engineers, or the foreman or assistant foreman, or any fire warden or member of the common council to require the aid of any inhabitant of said city in drawing any fire engine or other apparatus of the fire department to any fire, or to require the aid of any by-stander at the fire to work any engine or apparatus at the same, and on neglect or refusal to comply with such requisition, without sufficient excuse, such person may be forthwith removed from the vicinity of the fire, or he may be arrested and detained in custody until the fire shall be extinguished, and shall be liable to a penalty not exceeding ten dollars.

SEC. 11. The marshal, deputy marshal, and every constable in said city shall repair immediately on the alarm of fire to the place where such fire may be, and report himself to any member of the common council, and aid and assist as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing, and securing the same; they shall also aid in the preservation of the public peace, and the arrest or removal of all idle and suspected persons; and if the marshal or any constable shall neglect or refuse to obey any lawful order of any member of the

common council, or the chief engineer or any other officer authorized to direct at any fire, he shall pay a fine not exceeding twenty dollars.

SEC. 12. Any hook and ladder company, or any persons present at a fire shall, under the direction of the chief engineer and two members of the common council, or in the absence of the chief engineer, then under the direction of the assistant engineers and two members of the common council, or in the absence of the chief and assistant engineers, then under the direction of three members of the common council and of the foreman of a fire company, cut or pull down and remove any building or other erection, for the purpose of checking the progress of the fire.

[No. 4.]

AN ORDINANCE RELATIVE TO THE PREVENTION OF FIRES.

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor.

SECTION 1. That the fire wardens of the respective wards shall examine into and correct any infraction of the ordinances made for the protection of the city from fires in their respective wards particularly, and the city generally, and shall make reports to the common council respecting danger from exposure to fires, on the first Mondays in June and December in each year; and any neglect of such duty shall subject the fire warden to a fine of five dollars, and to removal from office.

SEC. 2. It shall be the duty of the fire wardens or any two of them, twice in each year, in the months of May and November, and as much oftener as they may deem proper, between sunrise and sunset, to enter into any house or building, yard or premises in the city and examine the fire-places, chimneys, stoves and pipes thereto, and other apparatus likely to cause

fires; also places where ashes, hay, straw, shavings or other combustible materials may be lodged, and to give such directions in regard thereto to the owner or occupant of such premises either for the removal, alteration or better care and management thereof as they may deem necessary to protect the city from fire; and such direction shall be complied with by the person or persons to whom they shall be given, and at the expense of such owner or occupant.

SEC. 3. The said wardens shall have authority to cause chimneys to be burned out or otherwise cleaned, whenever they shall think it necessary—to require chimneys in blacksmiths' shops and furnaces to be so constructed or altered as to prevent sparks from exposing buildings to fire, and to remove or abate, with the consent of the mayor, recorder, or any alderman, (if the owner or occupant shall neglect to do so,) any cause from which immediate danger from fire may be apprehended, at the expense of the person or persons occasioning the same.

SEC. 4. No stove pipe shall be put up or kept up in any building in said city unless it pass into a chimney made of brick or stone; nor shall any person at any time set fire to any chimney for the purpose of cleaning the same, without previous consent of the fire warden of the proper ward; and every person violating the provisions of this section shall forfeit for every offence three dollars, and the further sum of one dollar for every twenty-four hours any such stove pipe shall remain so put up after notice of any fire warden to alter the same.

SEC. 5. Every chimney hereafter to be erected in said city shall be plastered with lime mortar on the inside thereof, under a penalty of twenty dollars, and a further penalty of five dollars for every ten days neglect to take down or alter the same after notice given by a fire warden for that purpose. It shall be the duty of the fire wardens to examine all chimneys when the same are being constructed, and if they are not in conformity with the requirements of this section, to make report thereof to the common council.

SEC. 6. It shall not be lawful for any person to keep, within the limits of this city, at any one time, in any one building and its appurtenances, a greater quantity of gunpowder than twenty-eight pounds, the same to be well secured in metal canisters with metal stoppers or covers, neither of which shall contain more than seven pounds of powder; and it shall be lawful for any member of the common council, the chief engineer, or fire warden, to seize any powder kept contrary to the provisions of this section and convert the same as forfeited to the use of the fire department; and every person so offending shall forfeit the powder so unlawfully kept, and shall also forfeit and pay the sum of one dollar for every pound of powder so kept contrary to the true intent and meaning of this section, to be recovered with costs of suit: *Provided*, That the common council may authorize any person to keep a quantity of gunpowder not exceeding two hundred pounds weight, at any one place in said city, with such protection against fire as they shall think proper.

SEC. 7. No person shall fire or set off any squib, cracker, gunpowder or fire works, or fire any gun or other species of fire-arms within the limits of this city, unless by the written permission of the Mayor or two aldermen; which permission shall limit the time of such firing, and shall be subject to be revoked at any time by the common council. And any person violating any provisions of this section shall forfeit and pay a penalty not exceeding five dollars for each offence.

SEC. 8. Every person firing a cannon within the limits of this city, unless by permission of the mayor or two aldermen, shall forfeit and pay a penalty not exceeding twenty-five dollars.

SEC. 9. It shall not be lawful for any person hereafter to erect or place any building, or any part of a building, or any part of any block fronting or cornering on the court house square, nor on any lot fronting on Main street or Detroit street, between North street and the Michigan Central Railroad, in this city, unless such building or part of a building shall be constructed of stone or brick, with party or fire walls of the

same material rising at least ten inches above the roof, if the same be covered with metal or slate, and if covered with wood, then at least two feet: *Provided*, That nothing contained in this section shall be construed as prohibiting the erection, within the limits aforesaid, of any building of wood which shall not be more than eight feet square, nor of any wood house for keeping and storing fire wood which shall not exceed twenty feet in length, twelve feet in width, and twelve feet in height; nor of any barn which shall not exceed twenty-four feet in length, sixteen feet in width, and twelve feet in height from the common surface of the ground to the top of the plates, with roofs not to exceed one quarter pitch; but such small building, woodhouse or barn shall not be made to front on any street, nor be less than thirty feet from the line thereof; nor shall more than one such woodhouse or barn be allowed on any one lot or premises occupied as one tenement. No barn, privy, hog-pen, slaughter-house, or any other building which shall be used or occupied for any purpose liable to prove detrimental to the public health, or a nuisance to the adjoining occupant or to the public, shall be built fronting on any of the public streets of said city, nor within thirty feet from the line thereof.

SEC. 10. If any person shall erect or put up any building within the limits specified in section nine of this ordinance contrary to the provisions thereof, the owner or owners, builder or builders thereof shall severally forfeit and pay a penalty not exceeding fifty dollars for each offence, and also a penalty of twenty dollars for each and every week such building shall remain after notice from any member of the common council or fire warden to remove or alter the same.

SEC. 11. It shall not be lawful for any person to erect or use any steam engine on any block in said city adjoining Main street, Huron street or Detroit street, or at any place within forty rods of the court house square, or any lots fronting on Detroit street, between North street and the Michigan Central Railroad without permission of the common council, under a penalty of not exceeding fifty dollars

for each offence, and ten dollars for each and every day the same shall be used : *Provided*, That nothing contained in this section shall apply to the using of any steam engine now set up for use in said city where the same is now used.

SEC. 12. It shall not be lawful for any person hereafter to erect or place any blacksmith shop or other building which shall be used or intended to be used for any purpose of a character to occasion extraordinary danger or hazard to adjacent owners or occupants by reason of fire, on any lot fronting or cornering on the court house square, or fronting on either Huron street, Main street, or Detroit street in said city, cornering or fronting on or toward said square, or fronting on or toward either of said street, or if made to front on any other street, within fifty feet of the corner of such other street, and either of the aforesaid streets or in any manner to construct or place any such shop or building, that the direct or main entrance thereunto shall be made or had from said square or from either of said streets.

SEC. 13. If any person shall erect or cause to be erected any building contrary to the provisions of the last preceding section, the owner or owners, builder or builders thereof shall severally forfeit and pay a penalty not exceeding fifty dollars for each offence, and also a penalty of twenty dollars for each and every week such building shall remain after notice from any member of the common council or the fire warden of said city, to remove or change the location of the same.

[No. 5.]

AN ORDINANCE RELATIVE TO NUISANCES.

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor—

SECTION 1. If any person or persons within the boundaries of this city, shall permit or suffer any nuisance on his, her or their premises, of which he, she or they shall be occupants, either by exercising any unwholesome or offensive trade or call-

ing, or by permitting any building, sewer or other thing whatsoever to remain on said premises, until by offensive or ill stench or otherwise they or any of them shall become offensive, hurtful or dangerous to the neighborhood or to travelers, it shall be the duty of the marshal to give notice to said person or persons to remove such nuisance forthwith; and if the owner or owners, occupant or occupants of the premises on which such nuisance shall be situate, shall neglect or refuse to remove the same for the space of twenty-four hours after such notice shall be given, he, she or they, on conviction thereof, shall be liable to pay a fine of five dollars for each day he, she or they shall have permitted such nuisance to remain after notice as aforesaid.

SEC. 2. No person shall throw, place or deposit, or suffer his servant, child or family to throw, place or deposit any dead animal, carrion, putrid meat or fish, entrails or decayed vegetables, or any filthy or offensive matter of any kind whatsoever, or any substance which by any process can become putrid or offensive, in the streets, lanes or alleys in said city; nor shall he expose the same in such manner as to render the air in the neighborhood impure, offense or unhealthy upon his own premises, or the premises of another; and any person who shall violate the provisions of this section shall be liable to pay a fine not exceeding twenty-five dollars for each offence.

SEC. 3. It shall not be lawful for any person to throw or place the contents of any straw bed, or any ashes, shells of oysters or clams, or any scraps of dirt from any shoemaker's, tailor's blacksmith's or tinner's shop; or to place or throw any shavings, straw or rubbish of any kind in any of the streets, lanes, alleys or public grounds, or upon any side-walks in said city; and any person or persons wilfully violating the provisions of this section shall forfeit and pay a penalty of two dollars for every offence.

SEC. 4. It shall be the duty of the marshal to require all persons guilty of the offences mentioned in the two preceding sections, to remove such offensive matter, and on their failing to do so, to cause the same to be removed at the expense of the

corporation, and the guilty person shall be liable to the corporation for such expenses, in addition to the penalty above imposed.

[No. 6.]

AN ORDINANCE RELATIVE TO PUBLIC HEALTH.

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor—

SECTION 1. It shall be the duty of each and every physician of this city or other person practising as such, upon being called to visit any patient who shall prove to be sick of small pox, varioloid or cholera, to give immediate notice of the same, together with the name and residence of such patient, to the mayor, recorder, or any alderman of said city, to the end that the board of health of said city may take such action in relation thereto as may be necessary for the preservation of the public health.

SEC. 2. Any physician or other person practising as such who shall fail to give notice as provided in the preceding section, shall upon conviction thereof be subject to a fine of not less than ten nor more than fifty dollars, with costs of prosecution.

SEC. 3. It is ordained by the common council of the city of Ann Arbor, that the board of health instituted by and appointed under resolution of said common council on the sixth day of November instant; and any other board of health, which may hereafter be appointed for said city, shall have and exercise all the power and perform all the duties conferred upon or required of a board of health, by the provisions of chapter thirty-seven, of the compiled laws of the State of Michigan, and any act or acts of the legislature amendatory thereof or supplementary thereto.

SEC. 4. Every person in default or offending against any of the lawful regulations or requirements of any such board of health, shall be punished forfeit and pay according to the pro-

visions of said chapter, and the act or acts aforesaid respecting his or her default or offence.

SEC. 5. The city marshal, justices of the peace and constable of said city, shall respectively have and exercise within said city all such jurisdiction and powers and discharge all such duties appertaining to the objects, acts and doings of said board of health, as are conferred upon or requiring respectively of the sheriff of the county, justices of the peace, and constables, by the provisions of said chapter and the said act or acts, and all the acts and doings of said board of health, and the officers, agents and servants employed by them and the proceedings to enforce these requirements, or carry out the objects of their appointment, shall as nearly as may be conform to and be regulated and governed by the provisions of said chapter thirty-seven of the compiled laws of the State of Michigan, and the acts of the legislature, amendatory as supplementary thereto.

[No. 7.]

AN ORDINANCE RELATIVE TO SHOWS, THEATRICAL AND
OTHER EXHIBITIONS.

Be it Ordained by the Mayor, Recorder and Aldermen of the
City of Ann Arbor—

SECTION 1. It shall not be lawful for any person or persons to make or exhibit any show, or to perform or exhibit any plays, games, theatrical or other performances or exhibitions whatever, or to exhibit any natural or other curiosities for which pay in money or other consideration of any kind shall be demanded or received for admission, within the limits of the city of Ann Arbor, without having previously obtained a license so to do, as hereinafter provided.

SEC. 2. It shall be the duty of every person who may be desirous of exhibiting any such curiosities or shows, or of performing any plays, games, theatrical or other exhibition for which any consideration shall be demanded or received for admission, to make application to the common council, or to the

mayor and two aldermen, or in the absence of the mayor, to the recorder and two aldermen, for a license, and such license may be granted if deemed proper, upon payment into the city treasury of such sum as may be directed, and which shall be specified in such license.

SEC. 3. Any person or persons who shall violate the provisions of this ordinance, shall, upon conviction thereof before any justice of the peace of said city, be punished by a fine not exceeding one hundred dollars, for every offence, or by imprisonment in the county jail not exceeding thirty days, or both, at the discretion of the justice, with costs of prosecution. And it shall be the duty of the marshal, whenever any person shall be found so offending, to cause him or her to be arrested, and brought, without delay, before a justice of the peace of said city, to be dealt with according to law for such offence: *Provided*, That any person so arrested, may, before being brought before the justice, be discharged by the marshal, if he shall pay to the city treasurer such sum as the officers authorized to grant a license shall direct, with costs.

SEC. 4. No person, except the recorder, and in his absence the mayor, shall be authorized to issue any license in pursuance of any ordinance made by the common council of the city of Ann Arbor, unless otherwise ordered by the council, and he shall make and keep a correct register of all licenses issued, which license shall state the consecutive number thereof, the name of the person to whom issued and for what purpose, the date of issue, the time of expiration and the amount paid into the city treasury, all of which shall be entered upon the register aforesaid provided for that purpose, and no license shall be deemed valid unless signed by the mayor or recorder as aforesaid, and for each license issued and registered as aforesaid the recorder shall receive the sum of fifty cents, to be paid by the person to whom said license is granted, which sum shall be paid in addition to the amount paid into the city treasury, and shall be and constitute a part of the amount paid for said license.

SEC. 5. All licenses unless revoked by the common council shall continue in force until the first day of May next, en-

suings the date thereof, unless otherwise expressly stated in said license, and in no case shall any license purporting to continue in force beyond the first day of May next, ensuing the date thereof, be deemed valid.

[No. 8.]

AN ORDINANCE RELATIVE TO SIDEWALKS.

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor—

SECTION 1. The side walks in the several streets in the city of Ann Arbor shall be and the same are hereby established of the following width, to-wit: On the west side of Main street, between Ann and Washington streets, the side walk shall be fourteen feet in width; on the east side of Main street, between Huron and Washington streets—on the north side of Ann street, between Main and Fourth streets—on the south side of Huron street, between Main and Fourth streets, and on the east side of Fourth street, between Ann and Huron streets, the side walks shall be respectively twelve feet in width, and in all the other streets in said city the side walks shall be ten feet in width.

SEC. 2. A space in front of the established line of all streets, not exceeding one-third the width of the side walk in such street, as established by section one of this ordinance, shall be allowed for projections, and it shall not be lawful for any person to place or cause to be placed upon any side walk, lying outside the line allowed for projections as aforesaid, any box, barrel, article of merchandize or other obstruction or incumbrance whatever, or suffer or permit any obstruction to a free passage over such side walk to exist, by leaving open any passage way to cellars, or otherwise, excepting so far as the same may be necessary and unavoidable in transporting articles across the side walk.

SEC. 3. No person shall place, put up, erect or suspend, or suffer to remain placed, put up, erected or suspended from

any building or upon any lot within the limits of this city, any sign, show board or show bills which shall extend from the front of such building or lot over the side walk more than three feet, nor shall such sign or show board be less than eight feet in height above the side walk.

SEC. 4. All posts or railings put up in any street for the support of awnings, shall be placed on the established line between the side walk and street; nor shall any awning, or the rails or boards used for connecting the awning posts with the buildings, be less than eight feet in height above the side walk.

SEC. 5. And to the end that there shall be and remain a free passage for all persons over and across the side walks of the city, for at least two-thirds the established width thereof from the outer line of the street, free from all obstructions thereon, or passage ways to cellars, or awnings or rails less than eight feet in height above the side walk, it shall be the duty of the marshal, upon knowledge or information that any of the side walks lying outside the line allowed for projections as aforesaid are in any manner obstructed or encumbered, to require the occupant or owner of the premises in front of which such obstruction or encumbrance exists, to remove the same; and if such occupant or owner shall neglect for the space of twenty-four hours to comply with such requisition, the marshal shall forthwith cause such obstruction or encumbrance to be removed: *Provided*, That the provisions of this ordinance shall not be construed to apply to posts for awnings which are now standing, nor to shade trees or the boxes to protect them, nor to obstructions necessarily occasioned by the erection or repairing of buildings; but in such case no person shall obstruct more than one-half of the street and one-half of the side walk opposite the premises occupied by such person, without leave first obtained from the common council.

SEC. 6. Excepting for the purpose of ingress and egress to and from yards across the side walks, no person shall drive, ride, or lead, or suffer to remain, any horse, cart, carriage or

team of any kind, on any of the side walks within the city ; nor shall he leave any horse, team, or vehicle standing on any of the cross walks in said city.

SEC. 7. That whenever the marshal shall, by virtue of this ordinance, have removed any timber, wood, stone or other encumbrance from any of the streets, lanes, alleys, or side walks of said city, he shall immediately give notice to the owner thereof, if to be found, that he can have the same by paying the expense of removing together with the legal charges therefor, and if no owner can be found he shall put up a notice as near as may be to the place from whence said obstruction was removed, and if no claimant shall appear and pay said expenses within three days from the date of said notice, the marshal shall proceed to sell the same at public auction to the highest bidder, first giving four days notice of said sale by posting up five or more written or printed notices in conspicuous places, and shall immediately make return of the sale to the city treasurer and pay the money over to him, taking duplicate receipts for the same, one of which he shall immediately file in the recorder's office.

SEC. 8. Any person who shall wilfully offend against any of the provisions of this ordinance shall forfeit and pay a fine not exceeding twenty-five dollars.

[No. 9.]

AN ORDINANCE RELATIVE TO IMPROVING SIDEWALKS.

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor—

SECTION 1. That whenever, upon application in writing, of two-thirds of all the owners or occupants of real estate, subject to pay the tax for improving such sidewalks, the common council shall deem it proper to order the grading and planking, or making of any sidewalks in said city, such sidewalks shall be graded and planked, or constructed and made in such a manner, and of such materials, and of such width, as the coun-

cil shall upon such application direct, and under the superintendence of the street commissioner and such other officer as the common council shall appoint and direct, and under the direction of the common council; and the expenses of grading, planking or making such sidewalks (excepting the cross-walks over the parts of streets between the sidewalks) shall be assessed against the owners or occupants of the lots or portions of lots or premises which are in front of or adjoining such sidewalk, and the cross-walks or parts of such sidewalks crossing that part of any street lying between the sidewalks thereof, shall be constructed under the direction of the common council, by general tax.

SEC. 2. When the common council shall have ordered any sidewalk to be graded and planked, or otherwise improved, the street commissioner and supervisor, or such other officer as the common council may appoint, shall ascertain as near as may be the expense of making such grading and planking or making, and shall make out and present to the common council a written report or assessment roll, stating the names of the owners or occupants of the lots or premises in front of or adjacent to such sidewalk which may be directed to be graded and planked or otherwise improved, describing with reasonable certainty each lot or portion of a lot owned or occupied by one person or company of persons, and also the names of such owner or occupant, or several owners or occupants, if they can be ascertained, and shall therein designate who of said owners or occupants are residents of said city, and who are non-residents of said city, and shall also state the number of rods or feet and inches in length to be planked or otherwise improved in front of or adjacent to the lot or premises owned or occupied by each person, and the sum of money which each person or set of persons shall be assessed at, and pay for such grading, planking or improvement in proportion to the whole length of such sidewalks in front of or adjacent to the lot or portion of a lot owned or occupied by each separate person or set of persons, including with and adding to the length of the front of a lot or portion of a lot situated upon the corner of any block or

at the intersections of any streets, the width of the sidewalk adjoining such corner or lot, and intersecting the sidewalk to be graded and planked or improved, unless such intersecting sidewalk shall have been graded and planked.

SEC. 3. The common council shall examine such report or assessment roll, and make such alterations and amendments therein as they may deem necessary or proper; and upon the approval of such report or assessment roll by the common council, the recorder shall make out a notice directed to the several persons in such report named and proposed to be assessed, notifying them that they are about to be assessed to defray the expenses of grading and planking and otherwise improving the sidewalk in front of or adjacent to certain premises owned or occupied by them in said city, and that a report and assessment roll made out in the premises, is on file in the office of the recorder, for inspection; and further notifying them when and where the common council will meet and review such assessment roll, on the request of any person considering himself aggrieved—which notice shall also set forth with reasonable certainty the place where such sidewalk is to be made, and the kind of sidewalk to be made, and that the party is allowed thirty days within which to make such grading and sidewalk, under the superintendence of the street commissioner and such other officer (naming him) as the common council may have designated for that purpose, and that if the same shall within that time have been so constructed to the satisfaction of such superintendents, no expense of proceedings to collect the same against the persons so constructing shall be incurred by them—which notice shall be published at least once each week for two successive weeks in some public newspaper published in said city; and in addition to such publication the marshal shall cause a copy of such notice to be served upon all the persons therein named who are residents of said city, and upon the agents residing in said city who are known, of all non-resident owners therein named, by delivering the same to them or leaving such copy at their several places of abode or business in said city; and the marshal shall return, under his oath of office, or the

affidavit of the person serving the same, the time and manner of serving such notice; and at the expiration of thirty days after such publication and service, the street commissioner, or other officer appointed to superintend the construction of such sidewalk, shall report to the common council what part, if any, of said sidewalk has been completed, and what part, if any, has not been constructed; and if, from such report, it shall appear that any part of such sidewalk has not been constructed by the parties notified, it shall be the duty of the recorder to make out from such report and the assessment roll, a tax roll, including all the property described and assessed in such report and assessment roll, the owners or occupants of which have neglected or omitted to grade and plank or construct such sidewalk, and submit the same to the common council; and the common council shall cause to be graded and constructed the part or parts of such sidewalk remaining unfinished; and the common council shall cause a warrant to be attached to such tax roll, authorizing and commanding the treasurer to collect from the several persons named in such tax roll the several sums of money set opposite their respective names in the same manner as is provided for the collection of state, county and township taxes, and with like charges—and such warrant shall require the treasurer to make return to the common council of his doings therein, in thirty days, and shall be signed by the mayor and recorder, and may be renewed from time to time, if the common council shall deem necessary; and the treasurer shall have the same power to levy and collect the said several sums of money by distress and sale of goods and chattels which township treasurers have under the laws to collect state, county and township taxes; and it shall be the duty of the treasurer, upon receiving such tax roll, to proceed and collect the taxes therein mentioned with all reasonable diligence; and if any of said taxes shall remain unpaid, and the collector shall not be able to collect the same within the time limited by such warrant, or any renewal thereof, it shall be the duty of the treasurer, and such treasurer is hereby authorized

to make out and publish, in some newspaper published in said city, at least once in each week for five successive weeks, notice that unless the said sums, with the costs and charges thereon, shall be paid and satisfied before such sale, the premises described in such notice, and each separate parcel thereof, will, at the court house in said city, on some day not less than five weeks nor more than seven weeks from the first publication of such notice, be sold or leased for the shortest term of years at which any person will offer to take the same in consideration of advancing the sum or sums which were so assessed or taxed upon said land by the common council, together with the interest and all the costs and charges thereon, including the cost of such notice and of all proceedings relating to such sale, and of making the return and record thereof. If at the time mentioned in said notice, the owner or occupant, or person or persons liable to pay such tax, shall have neglected or refused to pay any such tax, with the costs and charges thereon, the treasurer shall add to the amount of the tax, interest and costs then made upon each separate parcel of land, the sum of one dollar for the expenses of making such sale, and the return and record thereof, and of making the certificate to the purchasers upon such sale; and the treasurer shall, at the time and place mentioned in said notice, commence the sale of such lands and continue the same from day to day (Sundays excepted) until the same shall be sold for a term of years for the purpose and in the manner above mentioned—but each lot or parcel of a lot owned by any one person or set of persons and assessed separately, shall be sold by itself—and if any person or persons bidding at such sale shall fail to pay the amount of his or their respective bids on request, or agreeably to any notice given by the treasurer on such sale, it shall be the duty of the treasurer forthwith to re-sell the lands so remaining unpaid for—and no person having failed to pay his previous bids on request, shall be entitled to have his bids received at such sale. The treasurer shall at the close of the sale, report to the common council the terms upon which each lot or parcel of land was sold, the amount bid therefor, the name and residence of the purchaser,

and the length of the term for which each lot or parcel was sold—and the recorder shall make and keep a record of such sale, and any person claiming any interest in the premises as sold, may redeem any lot or parcel of land sold separately, within one year from the time of such sale, by paying the amount for which the same was sold, with interest at the rate of fifteen per cent per annum to the treasurer, and taking duplicate receipts therefor, and delivering the same to the recorder, who shall retain one, and enter the redemption of the lands therein described upon the record of such sale, and shall countersign the other and deliver the same to the person so redeeming. Upon such sale the treasurer shall give to the purchasers, upon the payment of their bids, a certificate in writing, duly numbered, describing the lands purchased, the amount paid therefor, and the length of time for which the land was sold, and the time when the purchaser will be entitled to a lease of the premises, unless sooner redeemed; and when any land so sold shall be redeemed, the treasurer, upon the presentation of such certificate of purchase, shall pay to the purchaser or his executors, administrators or assigns, the amount received by him upon the redemption of such lands, and take the proper receipt therefor; and if any lands so sold shall not have been redeemed within the time above provided for the redemption thereof, and it shall not appear that such land was improperly sold, on the presentation of such certificate of purchase to the recorder, he shall prepare and deliver to such purchaser, his heirs or assigns, upon the payment by the lessee of the expense of such lease, not exceeding fifty cents, a lease of the premises so sold (in such form as the common council may prescribe) giving the purchaser or his heirs or assigns the use of the property so purchased by him for the time for which the same was sold, computing from the expiration of the time for redemption above provided; which lease shall be under seal, and signed by the mayor and countersigned by the recorder, and shall entitle the lessee and his heirs and assigns to the use of the land therein described, during the time therein mentioned, subject to all taxes legally assessed or to be assessed on such land.

[No. 10.]

AN ORDINANCE RELATIVE TO REPAIRING AND RENEWING OF SIDEWALKS.

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor—

SECTION 1. Whenever, in the opinion of the common council of the city of Ann Arbor any of the sidewalks which are or may hereafter be made, planked or paved, within said city, shall be so dilapidated, injured or impaired as to make it necessary to renew such sidewalk, by renewing or rebuilding the same, said common council shall establish the grade of said sidewalk, and shall prescribe the width of the same, and the material of which the same shall be composed in renewing the same, and it shall be the duty of the chairman of the sidewalk committee or such other person as the common council may designate to superintend the renewing thereof, and the said chairman of the sidewalk committee or such other person as the common council may designate shall forthwith notify, in writing, the several owners or occupants of the lots or premises in front of and adjoining to which such sidewalk or any portion thereof shall be, by delivering said written notice to said owner or occupant personally, or by leaving the same at his, her or their usual place of residence, or if there be no occupant and the owner thereof does not reside in said city, then by posting up such written notice in some conspicuous place on such lot or premises, and upon such notice being given, such several owners or occupant, shall within such time as the common council shall direct, which time shall be specified in said notice, renew the portion of such sidewalk which is in front of and adjoining his, her or their lots or premises in the manner, at the grade, of the material and of the width so established and prescribed by said common council and to the acceptance

of the chairman of the sidewalk committee or other person designated by the common council, and in case any such owner or occupant shall refrain or shall neglect for the space of time fixed by said common council and specified in said notice, to renew his, her or their portion of such sidewalk in the manner, at the grade of the materials and width so designated in said notice, it shall be the duty of the chairman of the sidewalk committee or other person designated by the common council forthwith to cause the same to be renewed, and he shall make and return to the common council a written report describing the lots and premises in front of which he shall have caused such sidewalk to be renewed, specifying the width of the same on the street, and the notice given as aforesaid, and the name or names of the owners or occupants thereof, and he shall set down opposite to each the cost of renewing the sidewalks in front of and adjoining the same.

SEC. 2. When any such report shall be made and shall be approved by the common council, the same shall have the force and effect of an assessment roll, and it shall be the duty of the recorder to make out from and according to such report a tax roll, including all the property described, as above required in said report, the owners or occupants of which have so refused or neglected to renew such sidewalks, with the amount of cost therein specified as aforesaid, and he shall submit the same to the common council, and the common council shall cause a warrant to be attached to such tax roll, directed to the collector of the district in which such sidewalk is located, and authorizing and commanding him to collect from the several persons named in such tax roll the several sums of money therein set opposite their respective names in the same manner as is provided for the collection of State, county or township taxes, and with like charges, and such warrant shall require the collector to make returns to the common council of his doings therein in thirty days, and shall be signed by the mayor and recorder, and may be renewed from time to time if the common council shall deem necessary, and the collector shall have the same power to levy and collect the said several sums of money by distress and

sale of goods and chattels, which township treasurers have, under the laws to collect State, county and township taxes; and it shall be the duty of the collector upon receiving such tax roll to proceed and collect the taxes therein mentioned with all reasonable diligence. If any such sums in such tax roll mentioned shall remain unpaid and the collector shall not be able to collect the same within the time limited by such warrant or any renewal thereof, it shall be the duty of the collector and such collector is hereby authorized to make out and publish in some newspaper published in said city, at least once in each week for five successive weeks, notice, that unless the said sums with costs and charges thereon, shall be paid and satisfied before such sale, the premises described in such notice, and each separate parcel thereof, will, at the court house in said city, on some day not less than five weeks or more than seven weeks from the first publication of such notice, be sold or leased for the shortest term of years at which any person will offer to take the same in consideration of advancing the sum or sums which were so assessed or taxed upon said land by the common council, together with the interest and all the costs and charges thereon, including the costs of such notice and all proceedings relating to such sale and of making the return and record thereof. If at the time mentioned in such notice the owner or occupant, or person or persons liable to pay such tax, shall have neglected or refused to pay any such tax with the costs and charges thereon, the collector shall add to the amount of the tax, interest and costs then made upon each separate parcel of land the sum of one dollar for the expenses of making such sale, and the return and record thereof, and of making the certificates to the purchaser on such sale, and the collector shall, at the time and place mentioned in such notice, commence the sale of such lands and continue the same from day to day, Sundays excepted, until the same shall be sold or leased for a term of years for the purpose and in the manner above mentioned. But each lot or parcel of a lot owned by any one person or set of persons, and assessed separately, shall be sold by itself, and if any person or persons bidding at such sale shall fail to pay the amount of his

or their respective bids on request or agreeably to any notice given by the collector in such sale, it shall be the duty of the collector forthwith to resell the land so remaining unpaid for—and no person having failed to pay his previous bids on request shall be entitled to have his bids received at such sale. The collector shall, at the close of the sale, report to the common council the terms upon which each lot or parcel of land was sold, the amount bid therefor, the name and residents of the purchaser and the length of the term for which each lot or parcel was sold, and the recorder shall make and keep a record of such sale, and any person claiming any interest in the premises as sold, may redeem any lot or parcel of land sold separately within one year from the time of such sale by paying the amount for which the same was sold, with interest at the rate of fifteen per cent per annum, to the collector, and taking duplicate receipts therefor and delivering the same to the recorder, who shall retain one and enter the redemption of the lands therein described upon the record of such sale, and shall countersign the other and deliver the same to the person so redeeming. Upon any such sale the collector shall give to the purchasers upon the payment of their bids a certificate in writing, duly numbered, describing the lands purchased, the amount paid therefor, and the length of time for which the land was sold, and the time when the purchaser will be entitled to a lease of the premises unless sooner redeemed, and when the land so sold shall be redeemed, the collector, upon the presentation of such certificate of purchase, shall pay to the purchaser or his executors, administrators or assigns the amount received by him upon the redemption of such lands, and take the proper receipts therefor, and if any land so sold shall not have been redeemed within the time above provided for the redemption thereof, and it shall not appear that such land was improperly sold, on the presentation of such certificate of purchase to the recorder he shall prepare and deliver to such purchaser, his heirs or assigns, on the payment by the lessee of the expense of such lease not exceeding one dollar, a lease of the premises so sold (in such form as the common council may

prescribe,) giving the purchaser or his heirs or assigns the use of the property so purchased by him for the time for which the same was sold, computing from the expiration of the time for redemption above provided, which lease shall be under seal and signed by the mayor and countersigned by the recorder, and shall entitle the lessee and his heirs and assigns to the use of the land therein described during the term therein mentioned, subject to all taxes legally assessed or to be assessed on such land.

[No. 11.]

AN ORDINANCE RELATIVE TO HORSES AND CATTLE.

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor—

SECTION 1. That it shall not be lawful for any person to ride, drive, or lead any horse, cow, or ox on or along any sidewalk within said city or leave the same standing thereon.

SEC. 2. It shall not be lawful for any person to feed any horse, horses, or cattle, in Main, Huron, Ann, Catharine, Washington, or liberty streets, between First and State streets in said city.

SEC. 3. Any violation of the provisions of this ordinance shall be punished by a fine not exceeding ten dollars for each offence and costs of prosecution, and in default of the payment thereof by imprisonment in the county jail not exceeding twenty days.

[No. 12.]

AN ORDINANCE TO PROVIDE FOR THE APPOINTMENT OF FENCE VIEWERS.

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor—

That it shall and may be lawful for the common council, annually, to appoint one fence viewer in each

ward, who shall hold their offices until the first Monday in June next after their appointment, and until their successors shall be appointed and qualified, who shall, before entering upon the duties of their office, take the usual oath of office, and who shall severally have the same powers and be authorized to perform the same duties, and be entitled to the same compensation, and liable to the same penalties for neglect of duty, as fence viewers under chapter 18, title 4 of the revised statutes of the State of Michigan, passed and approved May 18, 1846.

[No. 13.]

AN ORDINANCE DECLARING THE RECORDER OF THE
CITY EX-OFFICIO CITY CLERK.

Be it Ordained by the Mayor, Recorder and Aldermen of the
City of Ann Arbor—

That the recorder of the city of Ann Arbor be, and he is hereby declared to be, ex-officio city clerk of the city of Ann Arbor.

[No. 14.]

AN ORDINANCE RELATIVE TO THE PUNISHMENT OF IDLE
AND DISORDERLY PERSONS.

Be it Ordained by the Mayor, Recorder and Aldermen of the
City of Ann Arbor—

SECTION 1. That any person or persons who may commit a breach or disturbance of the public peace, or shall by noise or otherwise, disturb any meeting within said city of Ann Arbor, shall, on conviction thereof before any justice of the peace in said city, be punished by a fine not exceeding twenty dollars and costs of prosecution, and may be imprisoned not exceeding ten days, or both, at the discretion of said justice.

SEC. 2. Any vagrant, lewd, idle or disorderly person, or any person intoxicated or drunk with liquors of any kind, com-

mon night-walkers, pilferers, or any person wanton, lascivious, obscene or vulgar of speech, conduct or behavior, common railers or brawlers, shall, upon conviction before any justice of the peace, be punished by fine not exceeding twenty-five dollars and costs of suit, or be imprisoned not exceeding thirty days, or both, at the discretion of the justice.

SEC. 3. It shall be the duty of the marshal to arrest all persons who may be found intoxicated within this city, and all persons offending under this act, and, without unreasonable delay, bring him, her or them before a justice of the peace in said city for trial, and if in the opinion of said justice, any person brought before him is unfit, by reason of intoxication, to be tried immediately, it shall be his duty to order such person to be committed to the county jail for such time as he may judge necessary, not exceeding forty-eight hours, previous to trial.

[No. 15.]

AN ORDINANCE RELATIVE TO BREACHES OF THE PEACE
AND DISORDERLY CONDUCT.

Be it Ordained by the Mayor, Recorder and Aldermen of the
City of Ann Arbor—

SECTION 1. Any person who may hereafter be found lurking, lying in wait, or concealed in any house or other building, or any yard or premises within the limits of the city of Ann Arbor, with intent to do any mischief, or to pilfer, or commit any crime or misdemeanor whatever, shall, for every such offence, on conviction thereof, be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding thirty days, or both, at the discretion of the court, and may moreover be held to bail for good behavior.

SEC. 2. Any person who shall make, aid, countenance or assist in making, any noise, riot, disturbance, cheverie, by blowing horns, ringing bells or other improper diversion or noise, or who shall be guilty of any indecent, immoral or in-

sulting conduct, language or behavior in the streets or elsewhere in said city, and all persons who shall collect in bodies or crowds in said city for unlawful purposes, to the annoyance or disturbance of the citizens or travelers, or so as to impede the free passage of any street or sidewalk in said city, shall for each offence, on conviction thereof, be liable to the punishment mentioned in the foregoing section.

SEC. 3. Any person or persons who shall, within the limits of said city, keep a disorderly or ill-governed house or place, or a house or place for the resort of persons of evil name or fame, or of dishonest conversation, or who shall procure, or suffer to come together at such house or place, persons of evil name or fame, or who shall commit or suffer to be committed therein, any immoral, indecent, or improper conduct or behavior; or any tippling, reveling, prostitution, rioting or disturbance, every person or persons so offending, or who shall aid or assist in any manner, in offending in the premises, shall on conviction thereof, be liable to the punishment mentioned in the first section of this ordinance.

SEC. 4. No person shall raise or fly any kite in any of the streets, lanes or alleys; or within the limits of the city of Ann Arbor, under a penalty for each offence not exceeding twenty dollars, or confinement in the county jail not exceeding ten days, and costs of prosecution.

SEC. 5. No person or persons shall, unless especially authorized by the common council, dig, remove or carry away any earth, loam, sand, gravel or sod, from any of the streets, lanes or alleys, or public grounds within the limits of the said city, under a penalty for each offence not exceeding fifty dollars and costs of prosecution.

SEC. 6. It shall not be lawful for any person to leave any cart, wagon, carriage or sleigh, wood, timber or any other incumbrance or obstruction in any of the streets, lanes or alleys of said city during the night season; and any person offending herein, on conviction, shall pay a fine not exceeding twenty dollars and costs of prosecution, and it shall be the duty of the marshal to remove all such obstructions.

SEC. 7. It shall not be lawful for any person other than a public officer in the discharge of his official duty, unless authorized by the common council, in writing, to sell or offer for sale by auction or otherwise, at wholesale or retail, in or upon any part of the public grounds, streets or sidewalks of the city of Ann Arbor, or upon any vacant lot in said city, not owned by him or property leased from the owner thereof, any liquors, groceries, medicines, nostrums, jewelry, pies, cakes, or merchandise; and every person offending against the provisions of this section shall, on conviction, be fined a sum of not less than one dollar nor exceeding twenty dollars, and costs of prosecution. And it shall be the duty of the marshal, sheriff, or any constable, to forthwith arrest all persons offending against the provisions of this section, and take them before a magistrate for examination; and it shall further be the duty of the marshal, sheriff or any constable, to forthwith to remove as a public nuisance, any and all tables, boxes, benches, tents, booths, vehicles, thing or things whatsoever, employed or attempted or be employed, in any sale contrary to the provisions of this section.

SEC. 8. No person shall leave any horse or horses attached to any cart, wagon, carriage or other vehicle in any part of the public streets of said city without being sufficiently tied or hitched, under a penalty not exceeding ten dollars and costs of prosecution, for each offence.

SEC. 9. For any breach of any of the ordinances of said city of Ann Arbor, in the night time, it shall be the duty of the marshal, sheriff, or any constable, to arrest the persons, and either take them forthwith before a magistrate, or commit them for safe keeping in any safe place in said city, until nine o'clock the next day, unless that shall be Sunday, in which case he shall be committed until Monday, and then bring him before a magistrate for examination.

SEC. 10. If any person shall, on the arrival or departure of any railroad cars at or from said city, or for the period of thirty minutes after the arrival or before the departure of said cars, and within twenty rods of the place where said cars have or

are about to stop or depart from said city, make, aid, countenance or assist in making any loud or boisterous noise, disturbance or improper diversion, or shall be guilty of any indecent, immoral, obscene or insulting conduct, language or behavior, such person shall, for every such offence, upon conviction thereof, be fined in a sum not exceeding one hundred dollars and costs of prosecution, or be confined in the county jail not exceeding sixty days.

SEC. 11. If any person shall, during the night time, remove any boxes, barrels, wood, lumber, stones or any other thing not his own, from any of the sidewalks, yards or buildings, into any of the streets, lanes or alleys of said city, or upon the premises of any other person, such person shall, upon conviction thereof, be fined in a sum not exceeding one hundred dollars and costs of prosecution, or be confined in the county jail not exceeding sixty days.

SEC. 12. In all cases where prosecution are commenced under any of the ordinances of said city, the magistrate before whom the same shall be tried, may in his discretion add to the penalty attached thereto, the costs of prosecution.

[No. 16.]

AN ORDINANCE TO PROHIBIT GAMING WITHIN THE CITY
OF ANN ARBOR.

Be it Ordained by the Mayor, Recorder and Aldermen of the
City of Ann Arbor—

SECTION 1. That any person or persons gaming for money with cards, dice, billiards, nine or ten pin alleys, wheels of fortune, tables, ball alleys, boxes, machines, or other instruments or devices of any kind, in any grocery, store, shop, tavern, street, alley, room, or any other place within said city, shall be punished on conviction thereof, by fine not less than five dollars, nor more than one hundred dollars, or by imprisonment for a period not to exceed thirty days, or both such fine and im-

prisonment, together with all costs of suit, in the discretion of the court.

SEC. 2. Any person or persons keeping the building, instruments or means for said gaming, shall be punished by the same fine or imprisonment, or both, as is prescribed in the preceding section.

SEC. 3. Any instrument kept for the purpose of gaming for money shall, upon conviction of the person or persons keeping the same, as is prescribed in the preceding section, be destroyed by the marshal of the city of Ann Arbor, under the order of the mayor of said city. And if the marshal shall refuse or neglect to obey such orders, or if he returns to the owners any instrument ordered to be destroyed, or uses, sells, or in any other manner disposes of the same, save in accordance with the said order, he shall be fined one hundred dollars for each and every offence.

SEC. 4. If any person shall make complaint before any justice of the peace of said city, that he suspects, or has probable cause to suspect that any house or other building is used for the purpose of gaming for money, and that persons resort to the same for the purpose of gaming therein, the said justice shall issue a warrant, commanding the marshal or any deputy marshal of said city to enter into such house or building, and there to arrest all persons who shall there be found playing for money, and also the keepers of said house or building, and to take into their custody all the instruments of gaming there found, and to bring said persons and instruments before said justice, to be dealt with according to law.

[No. 17.]

AN ORDINANCE RELATIVE TO THE ASSESSMENT AND
COLLECTION OF A POLL TAX.

Be it Ordained by the Mayor, Recorder and Aldermen of the
City of Ann Arbor—

SECTION 1. That it shall be the duty of the street commissioners of the respective wards each year, between the first

Monday of April and the first day of July, to make out a list of all white male inhabitants of said city over the age of twenty-one years, and under the age of fifty years, and make return of the same to the common council, who shall assess each one except paupers, lunatics, idiots, and members of fire companies in the city.

SEC. 2. When such return and assessment is made, the mayor and recorder shall issue a warrant to the street commissioner, directing him to collect said tax and make return of the same within three months from the date of the warrant.

SEC. 3. The street commissioner shall call on each one named in such warrant, and demand the money, and in case the person so assessed elects to pay a day's labor, the commissioner shall give notice of the time and place when and where such labor is required.

SEC. 4. If the person shall refuse or neglect to perform said labor at the time and place required, or pay to the commissioner the said sum of money, the commissioner shall levy upon any property belonging to such person, and advertise and sell so much thereof as is necessary to pay the sum assessed, together with such fees as constables are by law allowed for such services.

[No. 18.]

AN ORDINANCE RELATING TO OBSTRUCTING STREETS.

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor—

SECTION 1. In all cases where any portion of a public street, sidewalk, lane or alley shall be enclosed or obstructed by a fence or other obstruction, the commissioner shall give notice to the owner or occupant of the premises along which is such fence or obstruction to cause the same to be removed forth with, and in case of refusal or neglect of the owner or occupant to remove the same within five days of the time of such notice, the street commissioner shall remove or cause the same to be

removed, and the owner or occupant of the land enclosed by said fence shall be liable to a fine of five dollars, and a further fine of five dollars for every day after the five days such obstruction shall remain.

SEC. 2. Any person who shall hereafter build or put up, or cause the same to be done, any fence, building or other obstruction, encroaching upon any sidewalk, street, lane or alley within the bounds of the city, shall be liable to a fine of five dollars, and all costs of removing the same, and the street commissioner shall cause the same to be removed.

SEC. 3. That it shall not be lawful for any person to leave any horse, cart, wagon, carriage, sleigh, or other vehicle whatever, standing in any street within said city of Ann Arbor, so as to obstruct the free passage of said streets. Nor shall any person run or race any horse, or drive any horse or horses, or any carriage or vehicle at a faster rate than six miles per hour in any of the streets of said city; and any person offending against any of the provisions of this ordinance shall, upon conviction thereof, be fined not exceeding fifty dollars for each offence, or be imprisoned in the county jail not exceeding thirty days.

[No. 19.]

AN ORDINANCE RELATIVE TO MAD DOGS.

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor.

SECTION 1. That whenever the mayor or recorder and any alderman shall deem it necessary, to protect the inhabitants of the city from mad dogs, they may direct the marshal to kill every dog which shall be found running at large within the city, without being securely muzzled so as effectually to prevent such dog from biting any person.

SEC. 2. Be it further Ordained, That the marshal, whenever so directed by the officers mentioned in section one of this ordi-

nance, shall kill any vicious or ferocious dog found running at large in the city.

[No. 20.]

AN ORDINANCE FOR THE PROTECTION OF FRUIT, SHADE
AND ORNAMENTAL TREES.

Be it Ordained by the Mayor, Recorder and Aldermen of the
City of Ann Arbor—

SECTION 1. Any person owning or occupying land adjoining any street not less than four rods wide, may plant or set out trees on the side of said street contiguous to his land, which shall be set out in regular rows, at a distance of at least six feet from each other, and within ten feet of the margin of said street. And if any person shall cut down, destroy or injure any tree that may have been, or shall be, so planted or set out, or which shall have been left on the side of said street for shade, he shall be liable in treble damages to the owner or occupant of such adjoining land, in an action of trespass, or on the case.

SEC. 2. Every person who shall wilfully and maliciously or wantonly, and without cause, cut down or destroy, or otherwise injure any fruit tree, or any other tree, not his own, standing or growing for shade, ornament, or other useful purposes, or shall maliciously or wantonly break down, injure, mar or deface any fence belonging to or enclosing any lands not his own, or throw down or open any gate, bars or fence and leave the same down or open, shall be punished by imprisonment in the county jail not more than thirty days, or by fine not exceeding one hundred dollars.

SEC. 3. It shall not be lawful for any person to hitch any horse, mare, mule or other animal to any fruit, shade or ornamental tree within the city of Ann Arbor, and any person hitching or tying any of the animals aforesaid to any such fruit, shade or ornamental tree, shall be liable to the owner or occupant of the land in front or upon which said tree is situated, in treble damages for any damage any such animals may do to any said tree, in an action of trespass, or on the case.

SEC. 4. The owner of any horse, mare, mule, cow, bull, ox, heifer, steer, sheep, swine or other animals running at large within the city of Ann Arbor at any time, shall be liable in treble damages for any damage any of said animals may do to any fruit, shade or ornamental tree, shrub or vine, whether the same be enclosed within any city lot, or set out, or left standing in front thereof, to the owner or occupant thereof, in an action of trespass, or on the case.

[No. 21.]

AN ORDINANCE RELATIVE TO THE EXPOSURE OF PERSONS
BY BATHING OR OTHERWISE.

Be it Ordained by the Mayor, Recorder and Aldermen of the
City of Ann Arbor—

That it shall not be lawful for any person or persons to expose their naked bodies by bathing or otherwise within the limits of said city of Ann Arbor, between sunrise in the morning and eight o'clock in the evening; and any person or persons offending against this ordinance shall, upon conviction thereof, be fined not exceeding twenty-five dollars, or imprisonment in the county jail not exceeding thirty days.

[No. 22.]

AN ORDINANCE RELATIVE TO PAYING OVER MONEYS
RECEIVED FOR FINES.

Be it Ordained by the Mayor, Recorder and Aldermen of the
City of Ann Arbor—

That whenever any fine or penalty, under any of the ordinances of the city of Ann Arbor, shall be imposed upon any person or persons, and the same shall be paid to any justice of the peace, marshal, sheriff, constable or other person, the said justice of the peace, marshal, sheriff, constable, or other person receiving said penalty or fine, shall immediately pay the same

over to the treasurer of said city of Ann Arbor, taking from said treasurer duplicate receipts therefor, and filing one of said receipts in the office of the recorder of said city; and any person who shall neglect or refuse to pay over any such money so received, for the space of ten days after receiving the same, shall upon conviction thereof be fined not exceeding one hundred dollars, or imprisoned in the county jail not exceeding thirty days, or both, in the discretion of the court.

[No. 23.]

AN ORDINANCE RELATIVE TO GONGS.

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor—

That it shall not be lawful for any person to ring or sound any gong upon any of the streets, lanes, alleys, or sidewalks, or outside of any building fronting thereon, within said city; and any person offending against the provisions of this ordinance, shall upon conviction thereof be fined a sum not less than one dollar, nor more than five dollars, and costs of prosecution, for each offence.

[No. 24.]

AN ORDINANCE RELATIVE TO GAS WORKS.

WHEREAS, It is desirable that this city shall be lighted with gas, and in order to induce any company to undertake to supply gas for that purpose it is necessary to secure to such company certain exclusive rights and privileges, subject to certain restrictions and conditions; and Whereas, The Ann Arbor Gas Light Company, a corporation recently formed in Ann Arbor for that purpose, has proposed to light the city with gas upon the terms hereinafter mentioned—Therefore,

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor—

That the exclusive right and privilege of erecting gas works within this city, and of laying and continuing gas pipes

along and across any and all of the streets, sidewalks, lanes, alleys and public grounds in said city, and of manufacturing gas in said city for sale for light, and of supplying said city and the buildings and streets therein with gas for lighting the same, be and is hereby granted and secured to the "Ann Arbor Gas Light Company," upon the conditions and under the restrictions hereinafter mentioned, so long as said company shall continue to supply gas for lighting said city, and shall comply with the restrictions and conditions hereinafter mentioned: *Provided however*, and this grant is made subject to the following restrictions and conditions, to-wit: That said company shall within sixty days make and file with the recorder, to be recorded and preserved, a copy of the articles of association of said company, and a written assent of said company to the provisions of this ordinance, and the agreement by the said company, signed by the officers of said company to erect gas works in said city, and to manufacture and supply gas as hereinafter mentioned; that said company shall within three months commence the erection of gas works in said city, and shall within one year lay down at least fifteen thousand feet of main gas pipe in said city, and shall supply and continue to supply all persons along the lines of such main pipe who may suitably supply their premises and buildings with service pipe and fixtures for receiving and burning gas, and who may require and pay for the same and sign the rules and regulations usual with gas companies, with gas of as good quality as that furnished by the Detroit gas company, at a rate not exceeding, exclusive of a reasonable rent for meters, four dollars per thousand cubic feet for private lights, and to the corporation of the city of Ann Arbor, for public lamps, at a rate not exceeding three dollars and fifty cents per thousand cubic feet; and that thereafter, as other parts of the city may become more compactly built, so as to afford responsible applicants as consumers of gas in twenty different buildings who shall agree to take and continue to use and pay for gas therein for each additional one thousand feet of main pipe, the said company shall within a reasonable time after such application for that purpose extend gas pipes and

furnish gas upon the terms aforesaid to such additional buildings of said applicants ; and that said company, in digging for and laying gas pipes, shall take care not unnecessarily or unreasonably to obstruct or injure any street, sidewalk, lane or alley, and shall with reasonable diligence restore such street, sidewalk, lane or alley to as good a state of repair as the same was in before disturbed by said company, and shall in all respects fully indemnify and save harmless the city of Ann Arbor from and against all damages or costs which the city may be put to or sustain by reason of such digging ; and in case the dividends of said company shall average to exceed fifteen per cent per annum, the common council may, at any time, after giving to said company thirty days notice to show cause against such reduction, have power to compel the said company to make a reduction in the price of gas equivalent to the excess of its dividends over fifteen per cent per annum, the reduction to be pro rata to the citizens and the corporation ; and it is further agreed that the said " Ann Arbor Gas Light Company " shall locate their gas works on block seven, eight, ten or eighteen of Page & Ormsby's addition, or at such other point as the common council and board of directors may agree upon.

[No. 25.]

AN ORDINANCE TO PREVENT INJURY TO WELLS.

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor—

SECTION 1. That it shall not be lawful for any person or persons hereafter to dig, make, or construct any well, or to continue any well heretofore made, in whole or in part, in any of the streets, lanes, or alleys of the said city, or bordering upon the line of the same, or open thereto, without obtaining license so to do from the common council of said city, who shall also have authority of directing the manner of constructing, arranging, and securing the same. And any person who shall, at any time, fail to comply with such directions, or otherwise

offend against the provisions of this section, shall, upon conviction thereof, be fined not less than five dollars, nor more than fifty dollars, with costs of prosecution.

SEC. 2. Whenever any well shall be so dug, constructed, or continued by such license of said common council, every person who shall be guilty willfully and maliciously, or wantonly, and without cause, of destroying, breaking, removing, disfiguring, or in any manner injuring the curb, platform, bucket, rope, chain, pump, enclosure, or any of the fixtures, or apparatus, belonging to or connected with the same, or of throwing into any such well, or into, or upon the pump, curb, platform, apparatus, or inclosure of the same any filth, dirt, gravel, or other matter, shall, upon conviction thereof, be fined not less than five dollars, nor more than one hundred dollars, for every offence, together with costs of prosecution.

[No. 26.]

AN ORDINANCE RELATIVE TO GRADING AND PAVING
STREETS, LANES, AND ALLEYS.

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor.

SECTION 1. Whenever any of the streets, lanes, and alleys of said city are graded or paved, it shall be with such materials as the common council of said city may direct.

SEC. 2. Whenever the common council of said city shall by resolution order any street, lane, or alley to be graded or paved within the limits specified in any application made in writing of two-thirds of all the resident owners or occupants of the real estate which may be subject to pay the tax for such grading or paving, the funds necessary for defraying the expenses thereof shall be provided by causing an assessment to be made, by such person as the common council shall by resolution designate, on the lot parts of lot or parcel of real estate directly fronting on that part of the street, lane, or alley directed to be graded or paved, ratably as hereinafter provided,

according to their extent of front on said street, lane or alley. The word "front" as used in this ordinance shall be construed to mean that part of the lot or parcel of real estate which directly abuts on that part of the street, lane, or alley to be graded or paved.

SEC. 3. For the purpose of such assessment, the lots, parts of lots, and parcels of real estate fronting upon the portion of the street, lane, or alley, within the limits specified in said application, which said common council may have ordered graded or paved, shall constitute one local assessment or taxing district.

SEC. 4. The person designated by the common council for making the assessment, as provided in section two of this ordinance, shall, with all due diligence, ascertain from the best evidence in his power, all the necessary facts, and shall then make out an assessment roll describing therein by itself with sufficient accuracy each lot or portion of lot or real estate owned by any one person or company of persons fronting on the portion of the said street, lane, or alley ordered by the common council to be graded or paved and constituting a local assessment or taxing district as aforesaid, and also stating the length of front of each lot, part of lot or parcel of real estate fronting on said street, lane, or alley within the limits aforesaid, also stating the name of the owner or several owners of said lot, part of lot, or portion of real estate, and when he cannot ascertain the name of such owner or owners or either of them, he shall state such facts in said roll. Said roll shall also state the width of all intersecting streets, lanes, or alleys which may be passed or crossed by such grading or paving. Said person designated as above shall also in as accurate a manner as possible ascertain and in said roll set forth in separate columns the space or number of yards or feet graded or to be graded, the space or number of square yards or feet to be paved and the quantity of curbing to be placed in front of the lot or premises owned by any one person or set of persons; also stating the number of yards or feet graded or to be graded, the number of square yards or feet to be paved and the quantity of curbing to



be placed upon each of the spaces caused by the intersection of streets, lanes, or alleys which may be passed or crossed by such grading or paving, and having made the apportionment as hereinafter provided, shall state the sum of money which such person or set of persons shall be assessed for said grading or paving, and also ten cents for each description to defray the expense of making such assessment, which said assessment roll shall be signed by the person making the same, and be presented to said common council within such time as the common council may direct.

SEC. 5. Whenever all the proceedings directed in sections two, three, and four of this ordinance to be performed shall have been completed, except "having made the apportionment as hereinafter provided," and entering upon the assessment rolls "the sum of money which such person or set of persons shall be assessed for said grading or paving, and also ten cents for each description to defray the expense of making such assessment," and before "said assessment roll shall be signed by the person making the same, and be presented to said common council," as provided in said section four, the common council shall by resolution direct the recorder to give notice by advertising in one or more newspapers published in said city, at least once in each week for two successive weeks, that sealed proposals will be received at his office during the time therein specified, for grading or paving such street, lane, or alley, and furnishing materials therefor, including curbing if any shall be required. Such notice shall state the points or termini between which such grading or paving is to be done, and that the same will be made according to the specifications in the hands of the recorder: *Provided*, That such specifications shall be made by some person duly authorized by resolution of said common council and be submitted to and be adopted by said common council at or before the meeting at which the recorder shall be directed to advertise as aforesaid. The proposals shall state the price per yard or foot for furnishing all materials for curbing and placing it, the price per square yard or foot for furnishing all materials and paving such street, lane, or alley in pursuance of

such specifications, and the time within which such grading, curbing, or paving shall be completed, and shall also state the name of some responsible person or persons as sureties therefor.

SEC. 6. The recorder shall deliver such sealed proposals to the common council at its first meeting after the time for receiving such proposals shall have expired, and it shall then open and determine which, if any of them, it will accept, unless the opening or determination thereof shall be postponed not to exceed thirty days, and after having accepted a proposal said common council may direct the recorder or other proper officer to prepare a written contract with the person or persons whose proposal shall have been accepted, with one or more sufficient sureties for the faithful performance thereof on the part of the person or persons making such contract, and said contract shall especially provide that said grading or paving shall be performed under the supervision of the street committee and to the satisfaction of the common council and to be approved by it, and so that the surface of said street within the limits ordered to be graded or paved shall, when finished, agree and conform to the respective lines of grade established for said street by the said common council, which contract shall be submitted to the common council at its next meeting, and shall, if approved, be a valid and binding contract, and if disapproved, it shall be void and of no effect whatever.

SEC. 7. Whenever the common council shall approve such contract the person designated in section two of this ordinance to make the assessment roll shall immediately complete said roll by computing the entire cost of the grading or paving of said street, lane, or alley, including the spaces caused by the intersection of cross streets, lanes, or alleys, within said local assessment or taxing district, according to the conditions of said contract, and shall make an apportionment thereof, of the amount which each lot, part of lot, or portion of real estate fronting upon said street, lane, or alley ordered to be graded or paved as aforesaid, shall be liable to pay for such grading or paving, ratably, according to the extent of front of each of such lot,

part of lot, or portion of real estate within such assessment or taxing district, and shall state the sum apportioned to each respectively, and in all respects complete said roll as provided in sections two, three and four of this ordinance.

SEC. 8. The recorder shall then make out a notice directed to the persons named in said assessment roll, and proposed to be assessed, notifying them that they are about to be assessed to defray the expense of grading or paving the street, lane, or alley in front of and adjacent to certain premises owned by them in said city and that a report or assessment roll made out in the premises is on file in the office of said recorder for inspection, and further notifying them of the time and place when the common council will meet and review said report or assessment, within thirty days after the date of said notice, and hear any objection which may be made thereto, which notice shall be published in all the newspapers printed in said city for at least two consecutive weeks. The common council shall at the time and place in said notice specified or at some session thereafter within the time above limited, take said assessment into consideration, and if no person appears to object to said roll and no good cause to the contrary appears and an affidavit of publication of the requisite notice having been made by some one acquainted with the facts, said council shall by a written resolution to be entered upon its journal, declare that it approves said report or assessment roll, that it receives as correct the description of the premises and the names of the individuals therein contained, and that the sum which said roll states to be the correct one which each individual or set of individuals should be assessed at and pay be the assessment and be collected from the respective persons liable according to law and be a lien upon said separately described portions of real estate, but if any sufficient cause appears or is shown to said common council, it shall review said roll and make such assessment as may be just and right in the premises, and said common council may, if necessary, adjourn from one time to any reasonable time for the purpose of finishing said review of said assessment, and shall then approve said roll as hereinbefore provided.

After the assessment roll shall have been fully and finally confirmed as provided herein, it shall be delivered to the collector of the district in which the local assessment or taxing district aforesaid may be located, who shall proceed in the collection of said assessment as hereinafter provided.

SEC. 9. At the time of such delivery of said assessment roll to the collector, the recorder shall attach a warrant thereto under the hands of the mayor and recorder, and the seal of said city, commanding him to collect from the several persons named in said roll the several sums mentioned opposite their respective names in the same manner as is provided for the collection of State, county, and township taxes, and with like charges, and pay over the same to the city treasurer, and make returns to the common council of his doings thereon within forty days: *Provided*, That immediately upon the receipt of such roll, such collector shall give notice by publication at least one week in all the newspapers published in said city, that such assessment roll has been delivered to him, and that the taxes therein assessed can be paid to him at his office, in said city, at any time within fifteen days after the publication of such notice, without any charge or percentage for the collection thereof, and he shall cause affidavits of such publication to be filed in the office of the recorder. By virtue of said warrant such collector shall have the same power to levy and collect the said several sums of money by distress and sale of goods and chattles which township treasurers have under the laws to collect State, county, and township taxes. It shall be the duty of the collector, upon the receipt of such warrant with the assessment roll attached, to collect the taxes therein mentioned, as herein specified, with all reasonable diligence. If any such sums in such assessment roll shall remain unpaid and the collector shall not be able to collect the same within the time limited by such warrant, the same proceedings shall be had in every respect for the sale or leasing of the lands described in said assessment for the non-payment of the tax thereon, as is provided by sections two of ordinance number ten of the city of Ann Arbor, being "an ordinance relative to repairing and renewing sidewalks,"

made and passed in common council the fourth day of May, A. D. 1868, in relation to the sale or leasing of lands for the non-payment of taxes therein mentioned, and the said lands may be redeemed in the same time, and shall bear the same rate of interest as in said section two provided, and in case of failure to redeem, the same proceeding shall be had for carrying any such sale into effect, as is likewise provided in said section two of said ordinance number ten of said city.

SEC. 10. Whenever, by mistake or otherwise, any person may be improperly designated as the owner or occupant of any lot, part of lot, or portion of real estate, in proceedings under this ordinance, or any other ordinance of said city, relative to taxes or such cause be vitiated, but the same shall be a lien on such lot or premises, and collected as in other cases.

SEC. 11. Any person or number of persons shall be allowed to grade and pave the street, lane, or alley opposite to his, her, or their property, where the same shall extend from the intersection of one cross street to the intersection of another: *Provided*, The same shall be done in conformity with the regulations of the common council.

The word "paving" as used in this ordinance, shall be held to include all necessary curbing, except where the word "curbing" is used.

SEC. 12. Any person or persons who shall in any manner be guilty of any injury to any paving within the limits of the city of Ann Arbor, by impairing, destroying, or removing the same, or any part thereof, shall, on conviction thereof, before any justice of the peace, of said city, be punished by a fine not exceeding fifty dollars and costs, and in the imposition of any such fine and costs, the said justice of the peace may make a further sentence, that, in default in the payment thereof within the time to be fixed in such sentence, the offender be committed to the county jail for any period of time not exceeding ninety days.

SEC. 13. The following or other sufficient forms shall be used in proceedings under the provisions of this ordinance:

NOTICE TO PERSONS TO BE ASSESSED.

State of Michigan, city of Ann Arbor, ss. To (here insert the names of those to whom directed and add) or to any other person interested in the premises, within the limits hereinafter mentioned :

You are hereby notified that assessments are about to be made upon you to defray the expense of (grading or paving) in front of, or adjacent to certain premises owned or occupied by you, respectively, on — street, between —, in the city of Ann Arbor, State of Michigan ; and also that a report of assessment roll has been made in the premises, which is on file in the office of the recorder of said city, where it will remain open for your inspection until the — day of —, A. D. 18—, when the common council will meet and review said roll, and you may appear and show cause before said council at its usual place of meeting in said city, on said day last mentioned, why the said assessment should not be made and collected according to law.

By order of the common council.

— Recorder.

Dated at the city of Ann Arbor, this — day of —, A. D. 18—.

(After the time mentioned in the notice, and on filing an affidavit thereof, let a resolution of the following form be entered on the journal :))

WHEREAS, It appears by affidavit on file, that due notice has been given to the owners and occupants of premises fronting on — street, between —, in the city of Ann Arbor, that the common council would on the — day of —, A. D. 18—, meet and review the report or assessment roll filed by the recorder on the — day of —, A. D. 18—, for the purpose of — in front of said premises ; AND WHEREAS, no person

has appeared before the common council to object to said assessment or the confirmation thereof (if there be any objection say after the word **WHEREAS**—all objections thereto have be duly considered,) therefore,

Resolved, That said assessment roll is hereby approved and confirmed, that the description of premises, and the names of persons contained therein are received as correct, and that the sums which the said assessment roll states to be the correct ones which each individual or set of individuals should be assessed at and pay, be the assessment and be collected from the respective persons liable to pay the same according to law, and be a lien upon said separately described portions of real estate.

(Then let the recorder endorse on the roll the words “approved and confirmed by the common council this — day of —, A. D. 18—.”

[No. 27.]

**AN ORDINANCE FOR THE PRESERVATION OF ORDER AND
QUIET IN THE CITY ANN ARBOR.**

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor—

SECTION 1. That every person keeping any place of business or entertainment, within the city of Ann Arbor, except keepers of hotels, boarding houses, drug stores, and medical offices, shall keep the public entrance or entrances thereof, closed during the first day of the week, and shall not open any such entrance or permit the same to be opened or continue open for the admission of any person or persons, other than himself, his clerk, agent, servant, or lodger therein, or a civil officer and his assistants in his employ on official business, at any time between the hours of eleven o'clock P. M. of Saturday, and four o'clock A. M. of the Monday next following.

SEC. 2. That no person keeping any place of business or entertainment whatsoever, within said city, shall permit any persons to congregate or remain upon any part of the premises

kept by him as such place of business or entertainment, or the appurtenances thereof, under his control, for the purpose of drinking, gaming, or other diversion or recreation, during any part of the time mentioned in the preceding section.

SEC. 3. That no person keeping any grocery, saloon, billiard room, ball alley, or other place of business or entertainment, where wine, beer, or spirituous liquors are sold, within said city, shall at any time permit or suffer to be committed upon any part of any such premises kept by him, or the appurtenances thereof, under his control, any breach of the peace or revelry or any riotous, disorderly, boisterous, profane, or indecent conduct or behavior, or shall sell or give to any person to be drunk, on or about his said premises, any wine, beer or cider, or sell or give to any person, any spirituous liquors, wine, beer or cider, in any quantity whatsoever, or shall sell or give to any minor any such spirituous liquors, wine, beer or cider, without the consent in writing of the parent or guardian of such minor.

SEC. 4. That no person except keepers of hotels, boarding houses, drug stores and physicians, in the necessary, proper and legitimate exercise of their respective vocations as such, and civil officers in the legal and proper discharge of their duty as such, shall transact any secular business or do any manner of service or work whatsoever, except works of necessity or charity, within the city of Ann Arbor, on the first day of the week: *Provided*, That the common council of said city, may in their discretion license one or more reputable persons to keep a victualing-house or victualing-houses or other place or places of entertainment within said city subject to the provisions of section three of this ordinance, and such other conditions and restrictions as said common council may deem most conducive to the good order of said city; and such license when granted shall exempt the person to whom the same shall be issued from the foregoing provisions of this section, and also from the provisions of sections one and two of this ordinance, so far as such exemption shall be clearly expressed in such license; but shall not be construed to license the sale of spirituous liquors, nor the transaction of any business or the providing or giving of

any entertainment not clearly set forth or described therein. And it is declared to be no part of the intent or purpose of this proviso, or of any of the provisions of this ordinance, to exempt any person from liability or prosecution under any of the provisions of chapter forty-four of the compiled laws of this State.

SEC. 5. Every person convicted of a violation of either the first or second section of this ordinance, shall be subject to a fine of not less than ten dollars, nor more than one hundred dollars, with costs of prosecution, or be confined in the county jail not exceeding thirty days, or both, in the discretion of the court.

SEC. 6. Every person convicted of a violation of any provision of the third section of this ordinance, shall be punished if such violation shall have been committed on any day other than the first day of the week, by a fine not less than ten dollars, nor more than one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or both, in the discretion of the court or magistrate before whom the conviction shall be had; or if committed on the first day of the week, or at any time between the hours mentioned in the first section of this ordinance, by a fine of not less than twenty dollars, nor more than one hundred dollars, or by imprisonment in the county jail not less than ten, nor more than thirty days, or both, such fine and imprisonment in the discretion of the court or magistrate, aforesaid.

SEC. 7. Every person convicted of a violation of the fourth section of this ordinance, shall be subject to a fine of not less than one dollar, nor more than ten dollars, with costs of prosecution, or be confined in the county jail not exceeding ten days, or both, in the discretion of the court.

SEC. 8. Every person who shall be present at any place of business or entertainment within the city of Ann Arbor, on the first day of the week, or at any time between the hours mentioned in the first section of this ordinance, for the purpose of any diversion or entertainment whatsoever, not duly licensed as

herein before provided, unless such place shall be a hotel or boarding house, and such person a stranger, traveler or lodger therein and entertained solely as such, shall on conviction thereof, be punished as provided in the next preceding section.

SEC. 9. Every person who shall at any time be present at any grocery, saloon, billiard room, ball alley, or other place of business or entertainment, where wine, beer or spirituous liquors are sold, within said city, and shall there engage in or be guilty of any breach of the peace, or revelry, or any riotous, boisterous, profane or indecent conduct or behavior, to the disturbance of the peace or good order of said city, shall, on conviction thereof, be punished in the manner provided in section six of this ordinance for the punishment of persons convicted of a violation of section three.

SEC. 10. In all prosecutions for any alleged violation of the first, second or third sections of this ordinance, the act or acts of the clerk, servant, or employee of the person accused, shall be taken and construed to be the act or acts of such accused person; and every violation of any or either of the provisions of either of said sections, shall, if committed in his presence or with his knowledge, be conclusively presumed to have been committed with his permission, and in all prosecutions for any alleged violation of the provisions of section three, relating to the sale or gift of spirituous liquors, wine, beer or cider to minors, the fact of non-age shall be presumed against the person accused, until he shall, by competent testimony, establish the fact of full age.

SEC. 11. It shall be the duty of the marshal, sheriff, or any constable, who shall have knowledge of the violation of any of the provisions of this ordinance, forthwith to arrest the persons offending, and take them forthwith before a magistrate for trial, unless such arrest be made on Sunday, in which case he shall commit them to the county jail of the county, until nine o'clock A. M. of the next day, and then bring them before a magistrate for trial.

[No. 28.]

AN ORDINANCE RELATIVE TO HAWKERS AND PEDDLERS.

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor—

SECTION 1. No person shall follow the business or occupation of a hawker or peddler, within the limits of the city of Ann Arbor without a license from the recorder.

SEC. 2. The recorder is hereby authorized to issue a license to any person to follow the business or occupation of a hawker or peddler, on his paying into the city treasury the sum prescribed in the next section.

SEC. 3. Any person soliciting a license shall pay therefor as follows: If he intends to travel on foot, the sum of five dollars; if he intends to travel with one horse, or other animal, the sum of ten dollars; if he intends to travel with two or more horses, or other animals, the sum of fifteen dollars, together with the recorder's fee; and such license shall, in all cases, unless revoked by the common council, continue in force until the first day of May, next ensuing the date thereof, and no longer. But license may be granted for a less time upon the payment into the city treasury as follows: If he intends to travel on foot, the sum of one dollar; if he intends to travel with one horse or other animal, the sum of two dollars; if he intends to travel with two or more horses or other animals, the sum of three dollars per day, and the recorder's fee.

SEC. 4. This ordinance is not intended to apply to any mechanic of this State, selling or offering for sale, any article of his own manufacture or construction, nor to any person selling or offering for sale any wholesome meats by the quarter, poultry, ice, vegetables, berries, fruit, butter, eggs or other provisions.

SEC. 5. Any person violating any of the provisions of this ordinance, shall be punished by a fine not to exceed fifty dollars and costs, to be recovered before any justice of the peace of said city; and in the imposition of any fine and costs, the said justice of the peace may make a further sentence that in default of the payment of such fine or cost, the offender be imprisoned in the Detroit House of Correction, or the county jail, for any period of time not exceeding ninety days.

[No. 29.]

AN ORDINANCE RELATIVE TO HACKNEY CARRIAGES
AND OMNIBUSES.

Be it Ordained by the Mayor, Recorder and Aldermen of the
City of Ann Arbor—

SECTION 1. Every public carriage, cab, coach, hack or other vehicle drawn by one or more horses, or other animals, which shall be kept, used, driven or employed to convey any persons from place to place, within the limits of the city of Ann Arbor, or to carry any person or persons by the hour in said city, for hire, shall be deemed a "hackney carriage" within the meaning of this ordinance.

SEC. 2. No person shall hire or keep for hire within the limits of the city of Ann Arbor, any hackney carriage or omnibus without a license therefor from the recorder.

SEC. 3. The recorder is hereby authorized to issue licenses for the purpose aforesaid, to any resident of the city of Ann Arbor, of the age of twenty-one years, or upwards, of good moral character, upon his paying into the city treasury the sum of four dollars and fifty cents, and the recorder's fee, and to any person, a non-resident of the city of Ann Arbor, of twenty-one years or upward, of good moral character, upon his paying into the city treasury the sum of nine dollars and fifty cents, and the recorder's fee for each hackney carriage or omnibus kept as aforesaid, and executing a bond to the mayor, recorder and aldermen of the city of Ann Arbor in the penal sum of one hun-

dred dollars, with one or more sureties to be approved by the common council of said city, conditioned for a faithful observance of the charter and ordinances of said city, and that he will pay all fines, penalties, costs and damages for which he may become liable on account of such hackney carriage or omnibus under his license as aforesaid, and such license shall state the number of each hackney carriage or omnibus with the name of the person to whom granted.

SEC. 4. No person shall drive or be permitted to drive any hackney carriage or omnibus without being licensed as a public driver, by the recorder.

SEC. 5. The recorder is hereby authorized to grant licenses to residents of the city of Ann Arbor, of the age of twenty-one years and upward, of good moral character, to act as drivers of hackney carriages or omnibuses on the person applying for such license, paying into the city treasury the sum of seventy-five cents, and if a non-resident the sum of one dollar and seventy-five cents, together with the recorder's fee, and executing a bond to the mayor, recorder and aldermen of the city of Ann Arbor, in the penal sum of fifty dollars with one or more sufficient sureties, to be approved by the common council, conditioned as prescribed in section three of this ordinance.

SEC. 6. Every conveyance licenced under this ordinance, when driven or used at night, shall be provided with two lighted lamps, with plain glass fronts and sides; and shall also have the number thereof as stated in the license painted in legible characters thereon, or upon some durable substance to be placed in conspicuous places on the outside of each hackney carriage or omnibus in such a manner that the same may be distinctly seen and read when the conveyance is standing or in motion.

SEC. 7. Every person licensed under this ordinance to keep a hackney carriage or omnibus, shall at all times keep a good and sufficient carriage and horses.

SEC. 8. No owner or driver of any hackney carriage or omnibus while waiting for employment, shall refuse or neglect, when applied to, to convey any person or persons to any place

or places within the city of Ann Arbor, and on the person or persons being placed in such conveyance, the same shall be driven by the most direct and safe route, to the place to which such person may wish to go, and not elsewhere, and no driver or owner of any conveyance, except omnibuses, shall, without the consent of the person or persons therein, or of the person who first engaged such conveyance, place therein any other person or persons.

SEC. 9. No owner or driver of any hackney carriage or omnibus shall suffer the same to remain on any street, square, lane or alley without some proper person to take care of the same, and no owner or driver of any hackney carriage or omnibus while waiting for employment at the depot or on any street, shall snap or flourish his whip, or be guilty of any rude or boisterous conduct or language.

SEC. 10. Every driver of any hackney carriage or omnibus while the same is waiting for employment, shall remain on or near to the same, and shall so keep his conveyance and horses, as that the same shall not obstruct the travel on any street, avenue or cross-walk.

SEC. 11. No person, unless licensed as an owner or driver, as herein provided, shall procure passengers for, or charge, or receive any fare for any hackney carriage or omnibus, and not more than one licensed person shall take charge of or drive on or in any such conveyance.

SEC. 12. The drivers or owners of hackney carriages or omnibuses may demand and receive for conveying passengers the following rates or prices of fare and no more, to-wit: Twenty-five cents to or from the depot to any place, within the city limits for each passengers. Where the time occupied does not exceed half an hour, twenty-five cents per ride for each passenger; and where the time occupied is more than half and less than an hour, fifty cents per ride for each passenger. Children between the ages of four and twelve years when accompanied their parents or guardian shall be charged half fare, and children under four years of age shall be carried free of charge. For the use of any hackney carriage or omnibus by

the hour, for not more than four persons, and with the privilege of going from place to place and stopping as often as required, one dollar per hour for the first hour and seventy five cents for each additional hour, and for fractional hours at the rate of seventy-five cents per hour; and for each additional passenger twenty-five cents. For the use by the day of such conveyance ten dollars per day. For each trunk fifteen cents, but no charge shall be made for any bag, valise or bundle weighing less than fifty pounds. When a hackney carriage or omnibus is used between the hours of eleven o'clock P. M. and five o'clock A. M., it shall be lawful to demand and receive for the same services double the rates prescribed above. Any disagreement as to time and rates shall be determined by the mayor whose decision shall be final. /

SEC. 13. There shall be fixed in every hackney carriage or omnibus licensed under this ordinance, and in such a manner as to be conveniently read by any person in the same, a card containing the name of the owner of such conveyance the number of the conveyance, and the whole of section twelve of this ordinance printed in plain legible characters. The said card shall be furnished by the city of Ann Arbor, and be given to any licensed owner or driver who may apply for the same. Any driver who shall drive a hackney carriage or omnibus without such a card being placed therein, and any owner who shall neglect to place such a card in his conveyance, shall be punished as hereinafter provided.

SEC. 14. This ordinance shall apply to any carriage or omnibus which may at any time be placed on a public stand, for public hire, and to all omnibuses or carriages kept by hotel or livery stable keepers for the purpose of carrying passengers for hire, to or from the railroad depot, or other places in said city, or for carrying any person or persons by the hour in said city.

SEC. 15. Any violation of, or failure to comply with the provisions of this ordinance, shall be punished by a fine not to exceed seventy-five dollars and costs, to be recovered before any justice of the peace in the city of Ann Arbor, and in the im-

sition of any such fine and costs the said justice of the peace, may make a further sentence, that in default in the payment thereof, within the time to be fixed in such sentence the offender be committed to the Detroit House of Correction or the county jail for any period of time not exceeding ninety days.

[No. 30.]

AN ORDINANCE RELATIVE TO DRAYS.

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor—

SECTION 1. Every cart, truck, wagon, dray or other vehicle having two or more wheels, or sleigh, and drawn by one or more horses or other animal, which shall be kept, used, driven or employed for the transportation or conveyance of anything whatsoever, from place to place within the limits of the city of Ann Arbor, for hire, shall be deemed a "dray," within the meaning of this ordinance; and no person shall hire, or keep for hire any such dray without a license therefor from the recorder as hereinafter provided.

SEC. 2. The recorder is hereby authorized to grant license to any resident of the city of Ann Arbor to keep a dray, on his paying into the city treasury the sum specified in section three of this ordinance, and his executing a bond to the mayor, recorder and aldermen of the city of Ann Arbor, in the penal sum of fifty dollars, with one or more sureties, conditioned for a faithful observance of the charter and ordinances of the said city.

SEC. 3. The person applying for a license for a dray designed to carry twenty-five hundred pounds or over, shall pay the sum of nine dollars and fifty cents, and for all other drays the sum of two dollars and fifty cents, together with the recorder's fee. And all licenses issued by a virtue of this ordinance, shall, unless revoked by the common council, continue in force until the first day of May next ensuing the date thereof

and no longer, and such licenses shall state the number of such dray with the name of the person to whom granted.

SEC. 4. Every person, licensed as herein provided, shall cause the number of his dray to be painted and kept conspicuously in plain, legible figures, at least two inches long, upon each side of his dray.

SEC. 5. The owner or driver of a licensed dray shall be entitled to demand and receive the following compensation and no more: For removing or transporting furniture a distance of not exceeding one mile, fifty cents per load, and ten cents for each additional mile or fractional part thereof; for conveying any other articles a distance not exceeding one mile, twenty-five cents, and ten cents for each additional mile or fractional part thereof. All disputes or disagreements as to distance or rates of compensation between draymen and persons employing them, shall be determined by the mayor, whose decision shall be final.

SEC. 6. No drayman shall be guilty of any deceit or misrepresentation in the exercise of his duties.

SEC. 7. No drayman shall cruelly beat or torture any horse or other animal, whether belonging to himself or another.

SEC. 8. The iron tire around the wheel of a dray, designed to carry twenty-five hundred pounds or more, shall not be less than three inches in breadth, and the nails with which the tire is nailed or fastened to the wheel, shall be sunk into the iron or tire, so that the nails shall not project beyond the surface thereof.

SEC. 9. No drayman shall refuse to be employed unless otherwise actually engaged; nor shall any drayman neglect or refuse to carry such a load as can be safely and conveniently stored on his dray and drawn by his horse or horses, mule or mules.

SEC. 10. A drayman shall be entitled to receive the compensation provided in this ordinance, immediately on the transportation of his load, and, unless so paid, he may retain the articles or things so transported until the matter is determined by the mayor, whose decision shall be final.

SEC. 11. No drayman, or person having a dray in charge, shall drive or back the same on any sidewalk, or stop the same on any cross-walk, so as to obstruct or hinder travel, or place the same crosswise of any street, except in loading and unloading, and not then for a greater length of time than is necessary for such purpose.

SEC. 12. It shall not be lawful for any drayman or other person having charge of a dray, to be away from such dray while the same is moving or passing along any street, and the drayman or person having charge of drays, shall, while waiting for employment, be on or near their drays; and they shall not snap or flourish their whips, or use any rude or boisterous language or conversation so as to be an annoyance to persons passing the street.

SEC. 13. It shall be the duty of the marshal, and his deputies, and it shall be permitted any person to make complaint for any violation of the provisions of this ordinance.

SEC. 14. Any violation of, or failure to comply with the provisions of this ordinance shall be punished by a fine not to exceed seventy-five dollars and costs, to be recovered before any justice of the peace of the city of Ann Arbor, and in the imposition of any such fine and costs the said justice of the peace may make a further sentence, that in default in the payment thereof within the time fixed in such sentence, the offender be committed to the Detroit House of Correction or the county jail for a period of time not exceeding ninety days.

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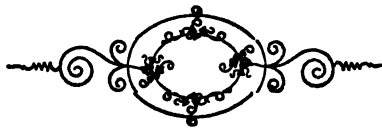
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